

Finding Guide

Appomattox County Board of Supervisors Minutes

SCAN GROUP	START YEAR	MICROFILM REEL	BOOK #	FORMAT
	1895	17	NA (1)	Large Format
	1901	18	NA (2)	Large Format
	1913	18	NA (3)	Large Format
	1921	18	4	Large Format
	1932	19	5	Large Format
	1940	19	6	Large Format
	1951	20	7	Large Format
	1961	20	8	Large Format
	1968	21	9	Large Format
	1972	21	10	Large Format
	1976	22	11	Large Format
	1980	22	12	Large Format
	1982	23	13	Large Format
	1984	24	14	Large Format
	1987	NA	15	Large Format
	1990	NA	16	Large Format
25 NOV2025-17	1992	NA	17	Red Book 8.5x11
25 NOV2025-18	1995	NA	18	Red Book 8.5x11
25 NOV2025-19	1999	NA	19	Red Book 8.5x11
25 NOV2025-20	2002	NA	20	Red Book 8.5x11
	2005	NA	21	Red Book 8.5x11
	2007	NA	22	Red Book 8.5x11
	2010	NA	23	Red Book 8.5x11
	2012	NA	24	Red Book 8.5x11
	2016	NA	25	Red Book 8.5x11

NOTES

Microfilm by Belinda D. Pillow (1985)

Microfilm held by the Library of Virginia

Finding Guide by Nathan A. Simpson (2025)

On Tuesday, February 19, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va. 24522.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 John Spencer - Assistant County Administrator
 Brandon Stidham - County Planner

At 6:31 p.m. Mr. Carter opened the meeting, welcomed all those present and asked Mr. Moore to give the invocation.

Mr. Carter called Mr. Don Austin - VDOT, Resident Engineer to address the Board.

Mr. Austin stated he had one formal action to present to the Board. The streets in Ivy Ridge Subdivision have been constructed and have public service so they can be taken into the secondary road system. Mr. Austin also presented the resolution necessary for this process.

Mr. Carwile made a motion seconded by Mr. Hancock to adopt the following resolution to include Ivy Ridge Subdivision into the State Secondary Road System:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the street description below and on the attached additions Form SR-5(A) to the Appomattox County Secondary Road System for maintenance. The following subdivision road which has been constructed by the sub divider as a Class "A" subdivision in accordance with the requirements of Section 33.1-229, of the Code of Virginia, 1952, and the Virginia Department of Transportation's Subdivision Street Requirements, 1996, **TO WIT:**

IVY RIDGE SUBDIVISION

Acorn Street - Beginning at a point on Route 1049, 0.18 mile west of Route 1048, extending 0.50 mile west to a dead end.

Total Length - 0.50 mile

Right of Way 50 feet

Sarah Lane - Beginning at a point on Route 1049, 0.19 mile west of Route 1048, extending 0.10 mile north to a dead end.

Total Length - 0.10 mile

Right of Way 50 feet

Hardwood Circle - Beginning at a point on Route 1049, 0.26 mile west, extending 0.07 mile south to a dead end.

Total Length - 0.07 mile

Right of Way 50 feet

BE IT FURTHER RESOLVED, that this Board does guarantee a minimum unrestricted fifty (50) foot right of way with additional widths as may be necessary for cuts, fills and drainage, together with easements on adjoining properties.

Recorded in Plat Cabinet 1, Page 15C, on July 7, 1998, in the Appomattox County Clerk's Office.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Mr. Austin explained the letter to the Board of Supervisors from Ray Pethel, Interim Transportation Commissioner regarding the reshaping of Virginia Transportation Development Plan (VTDP) formerly known as the Six-Year Plan as instructed by the Governor. There will be changes in priorities, possible postponing of some projects. We don't know which projects will be affected at this stage as a lot of things will depend upon the General Assembly.

There will be a 4% or \$28,000 reduction on the Secondary plan and Mr. Austin has taken this off the 641 project. There could be a 20-40% reduction because of various reviews. The Six Year Plan will not be approved before April.

Due to the cash flow problems Route 652 project has been postponed because of advertisements. Revenue Sharing applications are due for the next year and will not be affected by revenue concerns. The deadline for Revenue Sharing Applications will be March 30, 2002.

Mr. Austin asked if anyone had any questions.

Mr. Carter commented on the mission statement.

Mr. Carwile questioned the impact on the Route 29 Bypass. It was his understanding that these funds have been set aside for this project.

Mr. Austin stated it may be delayed some but at this point in time, they did not know exactly what would happen.

Mr. Carter thanked and excused Mr. Austin.

The next person to address the Board was Robert G. Mitchell, Mayor, Town of Pamplin.

Mr. Mitchell came before the Board to request assistance for disposing of solid waste associated with the Pamplin Community Development Block Grant project by waiving fees and furnishing a dumpster or two. They are refurbishing several homes in order to achieve Section 8 status, i.e. bring these home up to minimum standards. They are also planning to do some clearing away of deserted home and do some general clean up. They are hoping to receive a grant somewhere in the amount of one million dollars with 75% of this going into housing and the remaining 25% be used for septic system work. He has spoken to Ms. Rockefeller at the Landfill and they will comply with the County's waste and trash separation policies.

Mr. Mitchell stated they have not estimated the costs but they need approval in advance prior to March 27th, 2002. They will generate the figures for the Board of Supervisors within the next two (2) weeks.

Mr. Carwile asked they had a completion date in mind and what type of debris would be generated.

Mr. Mitchell they hoped to be finished within one year, once they get started (Sept. 2003). The type of debris will be going to the landfill. They will be able to burn some of this with the help of the fire department. If the County cannot transport the dumpsters to the landfill, then Pamplin will have to make arrangement to have this done.

Mr. Kendrick made a motion seconded by Mr. Moore to waive fees and provide two (2) dumpsters for the Pamplin Community Development Block Grant project. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

At 6:56 p.m. Mr. Carter recessed the Board of Supervisors meeting for two (2) open public hearings.

At 7:00 p.m. Mr. Carter opened the Joint Public Hearing with the Planning Commission.

PRESENT: (Planning Commission)

Kevin O'Brien - Chairman

Al Sears

John Wilson
 Robert Johnson
 Calvin Tanner
 Jerry Hughes
 Steve Conner
 Susan Hudson
 Jim Seftor

ABSENT: (Planning Commission)
 Marvin Mitchell

At 7:01 p.m. Mr. Carter read the following statement:

This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then asked Mr. Stidham to read the first petition.

02-492 - Stephen King for Harvest Homes - Conditional use permit per §170-34(A) (11) of the Appomattox County Zoning Ordinance to allow a home for adults. Property is located on U.S. 460 East between Route 707 and Route 695, Tax Map #77(A)118, and is zoned A-1.

Mr. Stidham as if any wished to speak against this petition.

Hearing no comments for or against the petition, Mr. Carter closed the Joint Public Hearing with the Planning Commission.

Mr. Carter next opened the **Public Hearing** regarding the **Proposed Biosolids Ordinance**.

Dr. Betty Siano, 106 Virginia Avenue, Appomattox came forward and stated it was her understanding the Kevin O'Brien is a member of the Planning Commission and that his father is

one of the eleven (11) people involved in wanting to have biosolids put on his land. She would like to know if he secluded himself from any discussion or decision making on any ordinances having to do with biosolids.

Dr. Siano continued by saying that the citizens of Appomattox County are being held hostage by eleven (11) cattle farmers, a trucking company whose sole involvement is profit, by the County Board of Supervisors who have moved at a snail's pace to act upon recommendations by the citizens and the Planning Commission that delayed addressing this issue until it was too late to pass anything that would have any teeth in it. Most citizens of Appomattox have the knowledge to distinguish between "fools gold" and the real thing. This free fertilizer is just that, "fools gold". The materials and information not given to the public at the meeting at the Spout Spring Ruritan Building in January will result in grave consequences for many Appomattox County citizens. The assets each of us have worked for, our homes, our property, your family, your very health and your personal wealth, can and will vanish quickly when someone in your family comes down with an illness caused by these wet biosolids. Dr. Siano insists that we join Louisa County in their suit against biosolids and that the Board immediately name a local county resident to inspect and test all biosolids that come into the County. Do not let Appomattox become the septic tank of the South. She is asking the Board of Supervisors to not allow biosolids to be spread here.

Mr. Carter next called Mr. Ray Wingfield, Route 711, Appomattox, Va.

Mr. Wingfield handed out a copy of a new ordinance proposal. This proposed change included a statement that all biosolids used in Appomattox County be direct soil injection. Personally he does not want to see any biosolids in the County, but since this is a State mandated policy, our sources are limited. Direct soil inject is one which he believes would be acceptable to the courts should this issue go that far. It reduces odors, runoff and vectors. This method is now being used in Florida under Florida Code # 62-640, requiring that all biosolids be injected. It is listed in the Virginia Supreme Court's opinion of 1/12/01 as cited in Virginia State Board of Health 12VAC-5-585-10 Regulations, page 1. Mr. Wingfield also quoted from the EPA's Report from the Office of Inspector General's Audit Report on Biosolids Management and Enforcement, page 2.

In closing Mr. Wingfield read a paragraph from the Virginia Supreme Courts opinion on Amelia County's Ban on Biosolids of 1/12/01) "But the mere fact that the state, in the exercise of the police power, has made certain regulations, does not prohibit a municipality from exacting additional requirements". It then states that as long as the requirements in themselves are not unreasonable, both will stand. A direct soil injection would be an additional and reasonable requirements.

The next person to speak was Lee Munsick, Piney Ridge, Route 1, Pamplin, Va.

Mr. Munsick thanked the Board of giving the concerned citizens of the County the opportunity to express their concerns. We all understand that you have had dumped on your shoulders a problem that should be solved at the regional, state or even the national level, but the representatives and courts at those levels have abrogated their responsibility to protect us, so we rely on you, the local elected officials, closest to the citizens and voters. It seems at this point that you are our last and best hope. The crust of this is, that no one can be sure what is or may be in biosolids at any given time. He referenced DDT, kudzu, Nutria in Florida, asbestos and tobacco. He is concerned about the chemicals in sewage. He asks the Supervisors to do whatever they can to stop the spread of biosolids.

The next speaker was Charlotte Munsick, Route 628, Pamplin, VA.

Ms. Munsick made reference to an article in the Farmville Herald regarding the results of the Virginia Institute of Marine Sciences study on the effects of biosolids. The chemicals contained in the sludge are a grave concern for health risks and we should make every effort possible to prevent the use of this sludge in Appomattox County or any other county. She urges the County to pass a Deed restriction on land so treated but also that prospective buyers of that land are made aware and protected by having notice of the biosolids application be included in the real estate listing when the land is up for sale.

Mr. Carter called the next speaker, Bob McClenny of Route 1, Box 47 A, Pamplin, VA.

Mr. McClenny began by stating he is a professional soil scientist and does not really have a problem with biosolids if it is properly supervised and complies with the ordinance. He does have some suggestions for the proposed ordinance: 1) application slopes of not over 7% is probably too restrictive. The State regulates 15%, as this seems reasonable; 2) the separation setbacks for houses of 200 ft. may not be enough, that distance probably should be extended; 3) biosolids should not be spread during the months of November thru February; 4) he would also suggest that a durable sign be put up with the date biosolids were applied and be maintained for at least three (3) years as opposed to deed restrictions; and 5) suggests that a tipping fee for the applicators or a charge to the owner to pay for a county official to keep an eye on a trial portion of a field before applying biosolids in general. He hopes we will not shut the door entirely before some trial applications are done.

The next speaker was Dennis Torrence of Route 2, Box 506, Appomattox, Va.

Mr. Torrence agrees with Mr. McClenny that we should have them prove biosolids are good before they try it here.

We have a great track record of keeping this a good place to live. In the last couple of years we have proven that regardless of what comes down the pike we can say, we are not going to have it.

He would like to bring up a couple of things. It appears that there may be approximately 4500 acres committed at this time and from what we learned from a meeting a couple of week ago, the two suppliers that are coming to Appomattox, spreading about 20 acres a day each, this comes to 100 days of spread the first year. We also learned that it takes 10 tons of biosolids to equal 1 ton of 10-10-10 fertilizer. Recently in Farmville, biosolids were spread on a farm four miles away from Longwood College and the smell was so bad it ruined all the outside activities for "college for a weekend" events. Roanoke as well is having problems with polluted water supply, the cause of which has not been established;

He would like to make some suggestions to the ones already made, it bothers him to think about what the State and Federal Governments are trying to do us. The farmers who have applied for biosolid use are all fine people, trying to save money and cut costs. The Federal Government says it is fine to put this on private property but you cannot put it on any Federal Park land and he doubts they would allow it in the State Forests, because it creates pine tree bugs. Approximately 90% of our County is a potential dumping ground for this sludge. He recommends the 7% sloping, deed restriction, requiring the injection method and extending the setbacks. He hopes we will never be intimidated by these people (the contractors) who only want to make money.

He would also like to suggest that we prohibit with the dumping of biosolids until we have proof without a shadow of a doubt that they are safe for our children's and grandchildren's future, this is our greatest challenge.

Mr. Torrence would like to suggest that the Board of Supervisors put a hold on the requested permits; meet with the applicants on behalf of the vast majority of the citizens you represent and formulate alternatives to the use of biosolids; continue to lobby the State Legislature to allow localities to determine whether or not they allow biosolids in their County and to ban the dumping of sewage sludge in Appomattox County as soon as the law allows and allow us to continue providing for waste generated only in the County of Appomattox.

Mr. Carter next read several petitions signed by citizens against the spreading of biosolids:
one petition contained approximately 150 signatures;
one petition containing approximately 100 signatures;
and one containing approximately 60 names.

Mr. Carter asked if anyone who did not sign up to speak wished to do so.

Mr. Ernest Harris of Route 1, Appomattox, Va came forward.

Mr. Harris began by stating "you have heard a lot of propaganda, but now you will hear some facts".

Many organic substances used today in low concentration sewage sludge are not regulated in biosolids because the Environmental Protection Agency assessment states the substances are not toxic to animals, humans or plants. The Virginia Department of Health regulates land applications of biosolids. A representative from the Health Department met with citizens recently and stated he had not heard of a single incident of illness or disease resulting from the use of biosolids.

The Virginia Right to Farm Act of 1994 prohibits local governments for requiring a special use permit for normal farming operations. They can adopt setback requirements, minimum area requirements and other requirements that apply to all light agriculture and other operations that occur within a normal agriculture area.

The people who wish to put down sludge, have safe guidelines to go by, the County can establish ordinances for them to go by but if we don't let them do it, or if the Board of Supervisors turns them down, they can sue the County and that we hurt everybody in here. The Board cannot stop anyone from using biosolids, they can only put restrictions on its use.

Having no one else to speak, Mr. Carter closed the public hearing at 8:02 P.M.

At 8:18 p.m. Mr. Carter declared the Board of Supervisors Meeting back in session.

Mr. Carter asked Mr. Brett Thompson, President, Appomattox Chamber of Commerce to address the Board regarding tourism activities of the Chamber.

Mr. Thompson distributed two (2) handouts, one (1) on Tourism and Economic Development and one (1) listing the Chamber of Commerce Board of Directors.

Mr. Thompson gave a brief statement of the function of the Chamber, how they work with the Town Council and the Board of Supervisors. They operate the Visitors Information Center and operate the Chamber office. They send out information on Tourism, Marketing, Upcoming Events, etc. They also advertise in many travel magazines, and also maintain a Website. This website is an excellent tool, designed by Rich Guild, receiving approximately 94 hits each day. This website has recently been expanded to include the industrial park. They also send out a relocation packet for persons considering relocating to our area.

They also propose to hire a Tourism Director as some point.

Mr. Thompson concluded by asking if there were any questions the Board would like to present.

Several Board Members questioned why brochures were not located in hotels, etc.? If there was a funding problems to send to hotels? What seemed to be the biggest problem areas? And if they

attempted to help anyone who was interested in operating restaurants or hotels in the area?

Mr. Thompson stated that they send brochures to hotels only by request. They do have some brochures in hotels in the Lynchburg and Farmville areas. They focus their efforts on Visitors Centers, sending out approximately 50,000 a year. The problems areas seem to be in developing tourist attractions in the County and do more to advertise. They have written to restaurant chains encouraging them to come in. A couple of them came in and did a study but were not interested due to the low volume of customers. He has spoken to some local establishments regarding being open on weekends. They may develop a system whereby some are open on a rotating basis.

Mr. Carter thanked Mr. Thompson for his presentation.

Mr. Carter next called attention to the **Administration Items:** (Items 1-7)

2. Welcome Signs: The Board has received comments from citizens at its last meeting concerning their wishes for the County's welcome signs. How does the board wish to proceed with regard to this matter?

Mr. Carwile stated he had taken time to go out and look at some of these signs. He did not find the signs to be in a deteriorated state. He found them to be very solid. The only comments he could make would be that the indented lettering needs to be re-touched. They all need a little cosmetic touch-up. Neither the board or the posts need to be replaced. They could be enhanced by putting a little shrubbery around and cleaning up of the area. He also stated he appreciated the input from the citizens regarding the old signs.

Mr. Moore had been out and taken some pictures of the signs located at the Buckingham line on Route 24 and at the Pamplin Exxon on Route 460 east. He feels the sign at the Pamplin Exxon is in a bad location due to all the parked vehicles and the services station in the background. The one on Route 24 at Bent Creek is in pretty good shape. He would like to take on the responsibility of refurbishing this one himself.

Mr Kendrick had also been out and assessed some of the signs. He also feels the sign on Route 460 east at the Pamplin Exxon is in a bad location. He had gone to the Appomattox/Prince Edward County line looking for this sign. There is no sign on Route 60 east at the Nelson County line at Bent Creek. The signs definitely need to be refurbished and painted.

Mr. Kendrick made a motion seconded by Mr. Moore to keep the signs exactly the same as they are with shrubbery added and a fund being established for maintaining these signs.

Discussion followed with Mr. Kendrick asking if the Tobacco Indemnity Grant money being

used for some other application if we decide not to use it for the welcome signs. He does not feel it will take \$45,000 to put up a new sign on Route 60 at Bent Creek or relocate the one sign on Route 460 east.

Mr. Carroll will check on this and report back to the Board.

Mr. Carwile would like to amend the motion to let the Women's Society to do the cosmetic work. The sign at Spout Spring has been beautified with a planter box and shrubbery. Can we establish a fund to pay for materials?

Mr. Kendrick amended his motion to use volunteers to accomplish the refurbishing of these Gateway Signs.

Also may need the volunteers to draw up consistency in shrubs, such as evergreens that are green in the summer and turn red in the winter.

Mr. Carter would like to have the word "TO" added to the signs. Mr. Moore stated it would not work, would not be symmetrical.

Mr. Carter called for a vote on Mr. Kendrick motion. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

3. Biosolids Ordinance: Earlier in the evening the Board received comments regarding the proposed biosolids ordinance already in effect as an emergency ordinance at the last meeting. What does the Board wish to do at this time?

Mr. Carwile stated he had heard from several people wanting to know why wasn't an ordinance in place before the emergency ordinance was enacted? He felt the Board was trying to get more information from the people and trying to determine what the General Assembly would do. The Board was not just setting there doing nothing. Senator Ruff was instrumental in getting the committee to put this General Assembly action off for a year. With all of this information the Board was able to make a proposed ordinance that was for the good of all the people in the County without bring on litigation.

Mr. Carwile would like to amend the ordinance as proposed by Mr. Wingfield and others or go into court with a list of reasonable restrictions and let them be argued out.

Mr Kendrick stated in addition to what Mr. Carwile had said, the Board also appropriated the money to join a lobbying effort with other counties at the General Assembly. The people are not saying "restrict", they are saying "ban" and let's fight it. They are disappointed in the legislature and the judicial system for not doing what the people want done. Every time you try to govern,

you find yourselves in litigation with the very people who could not make the decision in the first place. We have to stand up, spend money, because of the failure of other segments of government not allowing us the right to govern ourselves. We can adopt this ordinance with restrictions but we cannot guarantee that every load of biosolids that come into our County is absolutely safe. The people want it banned. Can we get a court order to restrict?

Mr. Moore argued there is no positive evidence, medically proven, of people getting sick.

After a lengthy discussion, Mr. Kendrick made a motion seconded by Mr. Carter to adopt §170-135 - Land Application of Biosolids & §170-136 Severability of the Biosolids Ordinance as written.

Discussion continued on adopting the other ordinance and then also put in other restrictions by amendments or amend and then adopt with public hearing. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

At 9:34 p.m., Mr. Carter called for a recess/break.

At 9:45 p.m. Mr. Carter called the meeting in session.

Discussion continued with Mr. Carter clarifying that the Board wished to make the following changes and/or restrictions to the previous motion made and seconded to the proposed Biosolids Ordinance:

1. Require injection as the method of spreading to reduce odor and run off.
2. Extend setbacks to 200 ft. from streams, lakes and wells; 400 ft. from homes; and 1000 ft. from schools, churches, rest homes, and town limits.
3. The transportation carrier to obtain a special permit from the County on bringing biosolids into the County for each application.
4. To ban the application of sludge in the County as soon as the law allows.
5. No land application of biosolids shall occur on slopes in excess of 7 %.
6. Prior to commencing land application of biosolids, property owner shall file an instrument in the Land Records of Appomattox County stating the tract or tracts upon which biosolids is land applied and dates of application. A separate instrument shall be filed in the Land Records for each tract receiving land application biosolids.

Mr. Carter made a motion seconded by Mr. Carwile to include these six (6) additional points to the proposed Biosolids Ordinance amendment. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

4. Tourism Brochures: Mr. John Wilson representing the Appomattox Volunteers for Tourism Development requested that the Board consider escrowing \$1,000.00 to assist

with the producing of brochures to enhance the County's tourism trade. Expenditures from this account would be based upon invoices received and funds are available in 8105-6002 Tourism of the current budget.

Mr. Moore made a motion seconded by Mr. Hancock to approve placing \$1000.00 in escrow for the purpose of assisting the Appomattox Volunteers for Tourism Development in the printing of brochures. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

5. **Regional Commission:** The Regional Commission is reevaluating their project priority list. Mr. Bill Gillespie, Executive Director has submitted a letter of explanation and a survey to be returned by March 31, 2002.

Mr. Carter has asked each Board Member to complete the survey and return to Mr. Carroll no later than February 26, 2002.

6. **Region 2000 Resolution:** Region 2000 is requesting that the Board pass a Partnership Resolution of Support which is critical for the Regional Competitiveness Program.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution as written:

**RESOLUTION
IN SUPPORT OF VIRGINIA'S REGION 2000 PARTNERSHIP REQUEST
FOR
FUNDING UNDER THE VIRGINIA REGIONAL COMPETITIVENESS
PROGRAM**

The County of Appomattox has participated with the jurisdictions comprising this region, namely the Counties of Amherst, Appomattox, Bedford and Campbell, the Cities of Bedford and Lynchburg and the Town of Altavista, in the formation of Virginia's Region 2000 Partnership, a Virginia nonstock, nonprofit corporation (the "Partnership"), and recognizes, and has agreed to participate in efforts to increase the regional competitiveness of, the region consisting of the abovementioned Counties, Cities and town, (the "Region:"). The Partnership will file a Request for Qualification (the "Request") for funding under the Regional Competitiveness Program (the "RCP") enacted by the General Assembly of Virginia in 1996. This resolution is adopted in furtherance of the Request under the RCP.

RESOLVED, by the Board of Supervisors of the County of Appomattox, Virginia;

1. Recognizes and agrees to participate in the Partnership;
2. Resolves that the Partnership carry out the provisions of the Regional

- Competitiveness Program (RCP) on behalf of the jurisdiction; and
3. Specifies that RCP funding be distributed directly to the Partnership.
- VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

7. **BOARD APPOINTMENTS:**

- a. Elementary School Committee: Mrs. Shirley Eye has informed Mr. Kendrick that she will be unable to serve on this committee for personal reasons. Another appointment is necessary to fill this vacancy.

This item held until the next meeting.

CONSENT AGENDA: (Items 8 - 13)

8. Approval of Bills: Approval of bills as submitted.
Also a bill from the Commissioner of Revenue for Postage.

BOARD ACTION:

9. Festival Permit: The Chamber of Commerce is requesting a festival permit for the Fourth Annual Joel Sweeney Banjo Festival to be held at Paradise Lake on May 4, 2002. The Chamber is also requesting that the Bond and fee for this event be waived as in previous years.
10. Livestock Damage Claim: Livestock claim for two (2) sheep killed/injured by unknown dog/dogs. Animals belonged to High School Agriculture Class. Amount of claim \$188.00.
11. Courthouse Maintenance Fund Transfer: Transfer \$275.41 from the Courthouse Maintenance Fund to the General Fund to pay a bill relating to the furnace breakdown at the Courthouse.

SUPPLEMENTAL APPROPRIATIONS:

12. Library: Supplement: 7301-5401 - Office Supplies \$212.55
(Copies, faxes, etc.)
7301-5411 - Books \$465.95
(Fines, book replacement charges & book sales)
7301-5415 - Summer Reading \$127.45
(Donations)
13. Comprehensive Services Act: Supplemental of \$97,160 to 5310-3001 Comprehensive Services Act to reflect the state's contribution to this mandated program. State's contribution was not included in the FY 02 budget.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the **Consent Agenda** as presented. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Mr. Carter next reviewed the **INFORMATION ITEMS:**

14. The Smarter Region Newsletter: February issue of this newsletter.
15. Board of Equalization: Copy of advertisement placed in the February 20th edition of the Times Virginian announcing the hearing dates for this board.
16. Business Development Centre: Updates for this program for the months of December and January, 2002.
17. Town of Appomattox Agenda: Agenda for Town Council's meeting on February 11, 2002.

Mr. Carter reminded the Board members of the upcoming meeting on Monday, March 4, 2002 at 6:30 p.m.

Mr. Carter then called for **Supervisor's Concerns:**

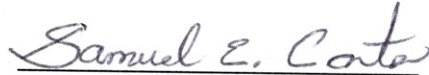
Mr. Carwile requested a breakdown from the School Board, by name and position as to the wages paid to each individual along with any special incentives received by these employees. Would also like to have the same information on all County employees. This information will be helpful in decisions concerning the upcoming budget.

Also under the insurance part, a breakdown of the premium that is paid by the School Board and the County. He feels what is done for one should be done for all.

In addition, over a week ago, he visited the office to discuss an issue of discovery. This information was received on Friday in our Board Book. His question is did any Supervisor get this information on Friday, prior to the issuing of the Board Books. He felt he did not have ample time to digest this information due to the time restraint. Would like to have vital information regarding the Courthouse litigation as early as possible in the future.

Mr. Carroll informed the Board that he will call everyone if and when there is any information received on the Courthouse issue.

At 10:15 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to recess this meeting to Wednesday, February 20, 2002 at 7:00 P.M. at the Courthouse for a Closed Session. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.


 Samuel E. Carter, Chairman

At 7:00 p.m. on Wednesday, February 20, 2002 the Appomattox County Board of Supervisors convened a recessed meeting, from February 19, 2002, at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd, Attorney - Sands, Anderson, Marks & Miller
 Hal Craddock - Craddock Cunningham Architectural Partners
 Darrell Hill - Davenport & Company LLC
 David Rose - Davenport & Company LLC

At 7:05 p.m. Mr. Carter opened the recessed meeting and stated that a closed session was necessary in accordance with §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel on Courthouse issue.

At 7:06 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to enter into a closed session as per §2.2-3711 A. 7 to discuss a legal matter, Courthouse litigation. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

At 9:55 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Carter, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye;. Mr. Hancock had left the closed session earlier.

Mr. Carter read the following certifying motion:

Whereas, this Board convened in a closed meeting under Section 2.2-3711 A. 7, Of the

Code of Virginia for the purpose of consultation with legal counsel.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Carter, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye. (Mr. Hancock not present having left earlier)

At 9:55 p.m., Mr. Kendrick made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Carter, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Samuel E. Carter, Chairman

On Monday, March 4, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly schedule meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd, Attorney - Sands, Anderson, Marks & Miller
 Hal Craddock - Craddock-Cunningham Architectural Partnership

At 6:32 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated that they since the County's Attorney had not arrived, they would start the meeting with **ADMINISTRATIVE ITEMS:**

4. Regional Commission: Mr. Bill Gillespie of the Regional Commission is present at tonight's meeting. At our last meeting the Board was asked to make a list of our concerns in order of priority. It was suggested that the Board may wish to look at this listing at it's Budget Work session on Saturday, March 9, 2002.

The Board by consensus decided to move discussion of this item to Saturday, March 9, 2002.

3. Planning Commission Recommendation: The Planning Commission has recommend the approval of Petition #02-492 - Stephen King for Harvest Homes . Conditional Use permit per §170-34(A)(11) of the Appomattox County Zoning Ordinance to allow a home for adults. Property is located on U. S. 460 east between Route 707 and Route 695, Tax Map #77(A)118, and is zoned A-1.

Mr. Carwile made a motion seconded by Mr. Moore to approve the Planning Commission's recommendation to approve Petition #02-492 - Stephen King of Harvest Homes.

5. Tobacco Indemnity Grant: Staff has contacted the Tobacco Commission to determine if the funds initially designated for replacement of the gateway signs could be diverted to another qualifying project. A letter will be written to the Executive Director of the commission requesting permission and outlining the changed scope. There is approximately \$30,000 remaining in the fund for use on a new project. \$15,000 is designated to construct an entrance sign at the industrial park and for expenses incurred to date.

Also these funds may be used to finance a water study with the Town of Appomattox.

Discussion centered around landscaping around the present gateway signs. Also establishing funds for upkeep and beautification of these signs.

Mr. Kendrick made a motion seconded by Mr. Moore to request the Tobacco Grant money be used to:

1. Beautify the signs with landscaping and materials.
2. Refurbish signs
3. Remainder to go to water study.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter stated it was necessary for the Board to enter into closed session to discuss a legal matter.

At 6:45 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to enter into closed session as per §2.2-3711 A. 7 and §2.2-3711 A. 1 of the Code of Virginia, Consultation with legal counsel (Courthouse litigation) and Personnel Matters, (maternity leave and Facilities Foreman) respectively. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:49 p.m. on a motion by Mr. Kendrick seconded by Mr. Moore, the Board came out of closed session and returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore,

aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Upon returning to regular session, Mr. Carter read the following resolution:

Whereas, this Board convened in a closed meeting under sections 2.2-3711 A. 1 and 2.2-3711 A. 7, Of the Code of Virginia for the purpose of discussing personnel matters and legal consultation, respectively.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. Biosolids Ordinance: The following changes were recommended:

§95-4 Where permitted:

E. Immediately following the land application of biosolids, the property owner shall file an instrument in the land records of Appomattox County stating the tract and/or tracts upon which biosolids is land applied and the date of applications. A separate instrument shall be filed and records for each tract receiving land application of biosolids.

Intent Statement:

Due to ongoing concerns with the safety of biosolids and the apparent lack of agreement within the scientific community regarding whether biosolids may be safely land applied, it is the intent of the Board of Supervisors to immediately impose a ban on land application of biosolids, if the General Assembly or the Virginia Supreme Court modifies current law to grant localities the authority to enact such a ban.

Mr. Kendrick made a motion seconded by Mr. Carwile to hold a Public Hearing on March 18, 2002 to receive comments on the Revised Biosolids Ordinance as rewritten and revised. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carwile called attention to §95-3. Definitions: "Infrequent land application" means application to the same tract at a frequency not exceeding once every three (3) years. More frequent application is prohibited. It is his understanding that the Virginia Department of Health issues a permit for five (5) years. Basically does this mean that their permit is for three (3) years instead of five (5).

Also §95-13.B - A Hauling Permit must be obtained for each load of Biosolids to be land applied within the County. A fee of \$100.00 shall be charged per permit.

Mr. Kendrick amended his previous motion to include the change to §95-14.B in the Ordinance to be presented at the Public Hearing on March 18, 2002. Mr. Carwile seconded. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Moore asked what, if any, other counties was charging a hauling permit?

6. Spanish Translation of Community Profile: Ms. Ruth Heim has approached the County regarding a proposal to provide a Spanish translation for the Appomattox County Community Profile at a cost of \$200.00.

Mr. Kendrick made a motion seconded by Mr. Moore to take this under advisement during the budget session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr Kendrick, aye; and Mr. Carter, aye

7. **BOARD APPOINTMENTS:**

- a. Elementary School Committee: Mrs. Shirley Eye has informed Mr. Kendrick that she will be unable to serve on this committee for personal reasons.

Mr. Kendrick made a motion to appoint Mrs. Pat Torrence to serve on the Elementary School Committee as the representative from the Appomattox River District. Mr. Carwile seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called for the **Consent Agenda:**

8. Approval of Bills: Bills for month as presented. Also check issued to Clerk of the Court for witness travel expenditures needed by March 4, 2002.

BOARD ACTIONS:

9. Courthouse Maintenance Fund Transfer: Transfer \$217.56 from Courthouse Maintenance Fund to General Fund to cover bills relating to the Courthouse and Clerk's Office.
10. NACO/ESDI Technology Foundation Grant: The National Association of Counties through ESDI is offering grant fund for geographical information systems (GIS) software and training to enable staff to perform certain tasks in house that would enhance projects such as E-911, zoning, etc. Does the Board authorize staff to apply for this grant?

SUPPLEMENTAL APPROPRIATIONS:

11. Circuit Court: Supplemental appropriation of \$1,840.80 as requested by Ms. Williams Reimbursement from State.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

12. School Board's Monthly Financial Report: Report for April 2002.
13. Town of Appomattox Agenda: Agenda for Town's meeting held on February 26, 2002.
14. Virginia's Retreat: A "Regional Tourism Marketing Consortium" sponsored by Virginia's Retreat will be held on Monday, March 18, 2002 from 11:00 A.M. to 3:00 P.M. at Southside Virginia Community College in Keysville. Congressman Virgil Goode will be the keynote speaker. The Board is invited to attend.

There being no questions regarding the Informational Items, Mr. Carter called for **Supervisor's Concerns.**

Mr. Kendrick is still concerned with littering. The Board should at some time adopt an ordinance concerning this issue. The County is far too pretty to have the amount of littering it has. He feels that the landfill trucks actually picking up the trash causes a lot of the problems.

Mr. Carter has also received complaints regarding trash falling off the landfill trucks.

Mr. Moore does not have any problems with the landfill trucks but people in general throwing trash from automobiles.

Mr. Carwile stated he had previously requested, for budget purposes, information on County and school system employees. In addition to that information, he would like to know the number of those employed in these two systems, who actually live outside the County?

Hearing no other concerns, Mr. Carter called for a motion to adjourn.

At 8:10 P.M. on a motion by Mr. Kendrick, seconded by Mr. Hancock, the meeting was adjourned.

Samuel E. Carter, Chairman

At 9:00 P.M. on Saturday, March 9, 2002 the Appomattox County Board of Supervisors held a Budget Work Session to discuss the upcoming budget at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator

At 9:11 a.m. Mr. Carter opened the meeting and gave the invocation.

The first item for discussion was the survey from the Regional Commission included in the February 19th Board Book and by consensus was held over from the last Board meeting.

The Regional Commission has asked the Board to submit a Strategic Project Survey on what it considers to be the top priority projects for the region in the upcoming year.

Items for possible consideration were: (1) water; (2) economic development; (3) regional health insurance; (4) reassessment; (5) solid waste; (6) central purchasing; (7) legislative program - lobbyist for Central Virginia; (8) Road funding (federal dollars drawdown); (9) Regional Courts System; (10) State standardized plans for school/ courthouse construction; (11) alter tax structure in the State (Equality is lacking and penalizes property owners).

After a lengthy discussion the Board agreed on these as top priority:

1. Regional Water Authority
2. Economic Development
3. Regional Health Insurance
4. Tax Structure (Regional) (Equality based upon consumption)
5. Standardized construction plan on schools & courthouses

But the entire list will be submitted.

The discussion next turned to the FY2003 Budget.

Mr. Carwile asked that each member take a few minutes to express their feelings as to where we stand on the Budget.

Mr. Carwile started with reassessment we must bring the tax rate back down to an equalized rate. He would also like to see the rate lowered below what the Code states we must do. The unemployment rate of 6% in Lynchburg has a great impact on our County. We have got to get serious with the School Budget as submitted. According to a study by Davenport, our level of education is above most other localities in our area. He supports level funding for each

department. We cannot stand a 2 million dollar increase in the School Budget. We have a lot of unknown costs with the upcoming Courthouse situation and the landfill.

Mr. Carwile would like to see the budget cut by 5% and not honor the payment of health insurance premiums.

Mr. Moore recognizes the situation we are in financially. He does not want to raise taxes. Set the rate at an amount that is necessary. He is not willing to increase funding, but would support level funding.

Mr. Hancock would also favor level funding and keep tax rates low for our senior citizens. Set a tax rate as low as we possibly can.

Mr. Kendrick stated that based on the lowered composite index, minimal funding should be considered for the School System.. The Courthouse project will be more than we had originally planned. Also without a regional court system, we will have poor utilization of the proposed courthouse. With the current equalization coming back at 67 cents, we must cut expenses in order to keep the tax rate at 67 cents or lower.

He would like to look at restructuring our current debt service in order to lower taxes. He is very concerned with the tax rate and wants to take the rate down. If we do not look at restructuring, our tax rate will cause some people to leave the area and will definitely prevent new families and businesses from locating here. He would like to see a tax rate of 60 cents. He would like to have Davenport look into this.

Mr. Carter feels the entire Board has the citizens in mind. He agrees that all county funded departments much share the pain. Localities cannot continue to pick up the slack from State reduced funding. He would like to level fund as much as possible. He is not in favor, nor has anyone advocated, a tax increase. This Board is united in this decision, and it is and will continue to look out for the people who put us in this position.

At 10:10 p.m. Mr. Carter declared a recess.

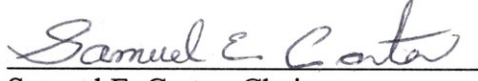
At 10:20 p.m. the meeting was reopened.

At this time Mr. Carroll discussed the budget information given to the Board. The one thing that needs to be addressed is establishing a Capitol Improvements Program which includes going to a public hearing with projects, scheduling these out. Most localities seem to do these in the fall in preparing for the upcoming budget. We may need to look into something of this type for future budget considerations.

Mr. Carroll explained to the Board how he went about asking each department for their budget figures for this year. The narratives are included in the notebook each Supervisors received. Each notebook includes a Table of Contents and is broken down by Departments, etc.

A brief overview of each budget request and discussion followed.

At 11:20 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to recess until 5:30 on Monday, March 11, 2002 at the Courthouse for a proposed closed session to discuss legal matters with the attorneys regarding the Courthouse Litigation process. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

At 5:30 p.m. on Monday, March 11, 2002 the Appomattox County Board of Supervisors met for a Recessed Budget Work Session at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ABSENT: Jesse L. Hancock - Falling River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd, Attorney - Sands, Anderson, Marks & Miller
 Shann Arrington - Craddock-Cunningham Architectural Partnerships

Mr. Carter opened the meeting at 5:33 p.m.

Immediately, Mr. Carwile made a motion seconded by Mr. Moore to enter into closed session per §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel regarding Courthouse litigation. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 6:46 p.m. on a motion by Mr. Moore seconded by Mr. Kendrick the Board returned to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter read the following motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A.7, Of the Code of Virginia for the purpose of legal consultation;

And whereas, no member has made a statement that there was a departure from the

lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 6:50 p.m. on a motion by Mr. Kendrick, seconded by Mr. Moore the Board adjourned the Recessed meeting from March 9, 2002. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Samuel E. Carter, Chairman

On March 11, 2002 at 6:50 the Appomattox County Board of Supervisors held a Budget Work Session at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va. The purpose of this work session is to meet with the constitutional officers, independent agencies, special requests and department heads to go over proposed budgets and requests.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ABSENT: Jesse L. Hancock - Falling River District

ALSO PRESENT: Andy Carroll - County Administrator

At 6:50 p.m. Mr. Carter opened the meeting and called the School Board forward:

PRESENT: (School Board): Lannis Selz, Earl Pickett, Amy Martin, R. W. Mitchell, Clifford Rhodenizer, Dr. Krug and Billy Perrow.

Mr. Pickett stated the budget submitted was based on what the School Board felt was the needs for this coming year and included the following items: VRS rates, new Life Insurance rates, the Retired Health Care Credits, and new software for Payroll/Accounting; Summer School increase, match for part-time Career Counselor (which is matching funds), and a 30% increase in Health Insurance. It also included a step increase for Classified Administrative employees and a step for Assistant Principals. The Board felt this was what was needed to carry on operation of the School System, plus the one time debt service increase.

Mr. Carter called attention to the 13% increase overall; the decrease in the ADM to 2,320; the revised projections; the State projections will be available around the 15th of the month and the composite figure is down.

Mr. Carwile asked the cost per student - This cost is estimated at \$6,300. Also the cafeteria is a self supporting item and is not included in the budget.

The School Board is including two new buses in this budget. In the past they have been trying to purchase 4 new buses per year, so the life of a bus is around 12 years. Also discussed was the cost to maintain the old elementary school; the Payroll Accounting System and Retiree Health Care Credit (these costs have been transferred to the localities from the State). There was also some discussion on salary increases and health care insurance.

At 7:25 Mr. Carter thanked the School Board and called for a 5 minute recess.

At 7:35 p.m. Mr. Carter reopened the meeting and called Barry Lyons of the Small Business Development Center to address the Board.

Mr. Lyons gave his presentation stating that they basically provide counseling, advice and recommendations to small businesses throughout the Region 2000 area. Everything they do is strictly confidential. These services are provided without charge regardless of the number of hours involved. There are approximately 400 small businesses with employees in Appomattox County. They need local dollars in order to get federal and state dollars. They are not requesting a set contribution from the Board, but they could use \$2,500. They have a lot of people contacting them for assistance. They also do a lot of training programs and they are a service organization, not a profit making one.

Mr. Lyons concluded by asking if anyone had any questions.

Mr. Carwile asked if Mr. Lyons had any printed materials he could send to the Board.

Mr. Carter next called Sheriff Staples to discuss his budget projections.

Sheriff Staples began by saying that a considerable amount of time has gone into considering raises for the County and School System as well as the Sheriff's Department in relationship to surrounding counties. Sheriff Staples gave the Board information regarding where his department stood in relationship those counties bordering Appomattox as to supplements given to law enforcement. He is asking the Board to supplement the salaries of his deputies by \$1,000 per individual or the equivalence of a pay raise of 3.5% amounting to \$33,632. This was a decision by his department employees to benefit those employees at the lower end of the salary range. This is not too much when you take into consideration that these men and women are on duty 24/7 and put their lives on the line each and everyday.

Mr. Kendrick asked if we were losing deputies to other localities since the 9-11 incident.

Sheriff Staples stated one incident regarding BWXT luring experienced law officers with a starting salary of \$37,200 with two years experience. We have lost one individual and we stand a chance of losing 4 to 5 others. When you lose trained, experience officers, for whatever reason,

it certainly hurts any department.

There was some discussion regarding the cost of training a new officer. There is a 20 week training course and it takes approximately 2 years for an officer to become proficient.

The Board thanked Sheriff Staples for his informative information and the work he has put into gathering this information.

Sheriff Staples next discussed the need for some new communication equipment. Most of his radio equipment is 12 to 15 years old and he is unable to contact other surrounding localities. He is not asking the Board to look at his request separately from the E911 equipment, but he does need some up to date equipment for his department.

The Board thanked Sheriff Staples for addressing the Board regarding his budget requests.

The next person to appear before the Board was Ms. Janet Belter - Treasurer. Mrs. Belter is not really asking for any increases to her budget. She is here in case the Board has any questions.

Mr. Carwile had a question regarding the number of persons owing back real estate taxes.

Mrs. Belter stated that there are approximately 130 individuals who are behind in their taxes.

At 8:20 p.m. Mr. Carter called for a short recess.

At 8:25 p.m. the Board resumed budget hearings with Mr. Carter calling for the representatives of Camp Virginia Jaycees to present their request.

William Robertson and Everett Werness came forward. Mr. Robertson stated they were pleased to be present and gave a brief statement of how he became involved with this organization serving retarded citizens within the Commonwealth, giving them the opportunity to attend camp and participate in activities the same as other children. They started out raising money by selling 15 cent jars of apple jelly for \$1.00. They had set March 2, 1969 as "Apple Jelly Sunday" to raise \$45,000. They did not raise \$45,000 that Sunday, they raised \$68,000 and Camp Virginia Jaycees was born - 90 acres of the most beautiful land you would want to see in Bedford County. Since 1971 they have served more than 32,000 individuals from the Commonwealth of Virginia.

Mr. Werness gave a brief report on how the monies raised would be used. He also introduced Ms. Jessica Mason from the Appomattox Group Home. Ms. Mason stated that one of the favorite things their residents like to do, is attend camp each year. Ms. Mason in turn introduced one of the residents who attends camp and he explained why he loves going to this camp.

Mr. Robertson concluded by stating that they would like the Board to contribute \$5,000.00 to their organization.

The next person to address the Board was Ms. Sharon Harrup of S.T.E.P.S. in Farmville. Ms. Harrup is requesting \$6,000 from the County of Appomattox this year, based upon direct services to Appomattox County residents. They are very appreciative of the support they have received in the past. Last year they served 7 adults from our area who have disabilities. This is an increase by two over the past years. They also serve two students from our school as clients. She stated we should be very proud of our school system because they do work with these disabled students.

Ms. Harrup stated they were very much affected by September 11th as they have several contracts with the U. S. Government and some of the contracts were up for renewal at that time and were not signed until several weeks later.

They also have 23 Appomattox County residents in their welfare to work program. These people are working and could possibly come off welfare status with no cost to our Social Services Department.

Ms. Harrup invited the board to visit their facilities between the hours of 7:00 a.m. and 3:30 p.m. on Monday thru Friday.

Mr. Carter called Mr. Brett Thompson of the Appomattox Chamber of Commerce to appear before the Board.

Mr. Thompson announced that Jon Montgomery is retiring and the Board decided to step forward and move to the next level in the area of economic development. He presented the Board with their marketing plan for 1995 in which they stated their goal of hiring a Tourism Director.

They are again proposing this idea. They need someone to direct full time to the economic development and tourism of Appomattox. Most of our surrounding towns and counties already have a full time Tourism Director and they are getting things done. The Chamber also needs someone to rally the business community, research grant funds available and work closely with the Town and County leaders in getting the most from the tourism market. Tourism is a major part of the business community.

The Chamber is starting a Corporate Sponsorship program - asking our biggest businesses to become sponsors for a donation of \$1,000. They are also requesting \$30,000 in funds from the County.

The next speaker was Ms. Ruth Heim - Interpreting Translation Services.

Ms. Heim is an advocate, interpreter, and translator for the Court System. She has also started an ESL (English as a Second Language) program. Ms. Heim went on to explain that there are 329,000 Spanish speaking individuals in Virginia, and over 2,000 in the 7 counties surrounding Appomattox. Ms. Heim informed the Board of the many various things that are published in

Spanish for individuals. She would like to do a profile of Appomattox County at an approximate cost of \$200 to translate, design and layout. She informed the Board that there are close to 100 Spanish speaking people in Appomattox County.

Ms. Dianne Miller came forward as the representative for AWAG. Ms Magda Liska's dad is ill and she was unable to attend. Ms. Miller gave a brief background of AWAG and stated their main goals are twofold; (1) establish a low cost spay/neuter program; and (2) to bring humane education into the schools or any other interested organizations.

Ms. Miller talked about a Beagle turned over to them by Mr. Moore. She was in terrible shape. They have named her Trixie and she is well, happy and awaiting adoption. Her vet bills amounted to around \$150.00. This is just one example of what AWAG is all about. They also provide transportation to other areas for low cost spay and neutering for animals in their care and also for private individuals. Most of the animals they work with leave the area for adoption, some are sent as far as New England.

AWAG is asking the County for help with their administrative expenses only. They would like to receive \$2,500.

They are seeking publicity to get a mobile spay/neuter vehicle. They have received their 501(C)3 Tax Exempt Status. They use raised and donated money for spay/neuter programs. Since they have received 501(C) 3 status they plan to apply for some grants.

They would like to see an increase in the fees (\$4.00) for licenses. They would like to have fees raised to \$5.00 for spay/neutered animals and \$10.00 for unsterilized animals. They estimate there are 2,800 dogs owned as pets in the county. This does not include hunting dogs and persons with kennel licenses. There are about just as many cats. They would like to see more enforcement on dog licenses and eventually see even cats requiring licenses, thus enforcement of rabies vaccination.

Ms. Miller thanked the Board for their time.

The next to appear before the Board was the Registrar and Electoral Board. (Ms. Sabrina Smith, Registrar and the Electoral Board: Fred Underwood, Richard Wingfield, and Joseph Foxwell).

Ms. Smith spoke regarding the Budget for the Registrar's Office. They are one of the smaller offices in the County. Her budget increase this year amounts to \$147.00 for part-time salaries. (This represents the \$1.00 a day increase previously approved by the Board). Ms. Smith explained the increase requirements of her office that necessitated the increase in her part-time hours. Her advertising budget shows a slight increase. Travel expenses are not in her budget as she usually requests this when time to attend these approaches.

Depending upon where her office is moved after renovation she may need some new office furniture. \$1,200 will be needed for the Department of Technology to relocate computer and phone lines and additional postage will be needed at that time to notify each and every voter of

where her office is located. This is required by law.

Ms. Smith closed by stating that she tries to keep her expenses to a minimal and asks that the Board try not to cut anything from her budget.

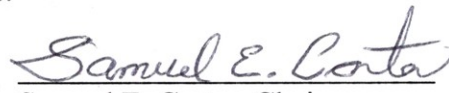
Mr. Underwood spoke for the Electoral Board. Mr. Underwood stated that their expenses are mainly fixed. They do not anticipate buying any new machines at this time. They do not want to purchase any different machines until forced to do so. However, some of the machines do need maintenance and this is reflected in their budget.

The voting precincts have had some work done, courtesy of the Administrator's Office. Some are not handicap accessible and some small things need to be done in this area. There is also the question of the buildings not owned by the County, how do we address the owners with the question of meeting the handicapped codes.

Mr. Carter questioned the salaries for Officers of Election - \$1,450 to pay each election officer \$25.00 to attend training session. Is there a problem getting these officers to attend the training? Mr. Underwood stated they would like to offer this as an incentive to show up. Right now, there is no obligation to show up. When asked to come, a good number of them do, approximately 85%. If they were offered a little incentive and they do not show up, then you would not feel obligated to ask them to serve another year.

Mr. Carter also questioned Telecommunications - Late charges. It was explained that the County does not pay these late charges because of cross over of bills and payments in the mailing system. Mr. Underwood explained that they also pay one person in each precinct \$10.00 on election day for the use of their personal cell phone so each precincts will have a phone.

Being no further questions, and no other Department Heads to present their budgets, at 9:47 Mr. Hancock made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Saturday, March 16, 2002 at 9:00 a.m. the Appomattox County Board of Supervisors held a Budget Work Session at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, VA.

PRESENT: Jesse L. Hancock, Vice-Chairman - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ABSENT: Samuel E. Carter - Courthouse District

ALSO PRESENT: Andy Carroll - County Administrator

At 9:05 a.m. Mr. Hancock called the meeting to order and gave the invocation.

Mr. Carroll went over the Agenda and handed out the new information regarding the budget. The first was a letter he had sent to each of the Constitutional Officers and the second was VRS Update. We have also received: Contribution Request from Crisis Line; Request from the State for State and Local Hospitalization; Salary Information from the School as requested; and the Revenue figures released yesterday from the State; information from VACo on expected revenues from the State.

The Compensation Board is cutting the Constitutional Officers by about 5% this year.

The revenue figures in the budget at this time do not reflect any cuts but we will probably have to change those.

Mr. Mays has submitted local revenue figures. This was calculated on .80 per \$100 rate. This, of course, will have to be revised since the rate has not been equalized. Mr. Carroll has revised the figure at a rate of .66 per \$100 rate.

Mr. Carroll informed the Board that the Board of Equalization would not make their final recommendations until the first week in April.

The Board has on its agenda for Monday night to set the tax rate.

The Revenue was then discussed line by line as per the printout.

There was some discussion regarding the fees for dog and cat licenses. The enforcement of rabies and licenses purchases. Maybe this should be placed on the agenda for the next meeting.

Mr. Carwile questioned the VRS contribution/employees part or 5%. Are the surrounding counties paying it all?

At 10:26 a.m. the Board took a short recess.

At 10:35 a.m. discussion began again with emphasis on Expenditures.

Board of Supervisors: Largest increase is in the salary adjustment from last year's budget and the Blue Cross by the County, based on current policy of 30% more than the school's rate.

Mr. Carwile would like to have the comparison of School Employees and County Employees on the same sheet. Mr. Carroll will try to get this done.

Mr. Carwile asked for an update on legal fees for Courthouse and regular expenditures separately.

Registrar's Office - Basically the rental on the Moose Lodge, Oakville Ruritans, Spout Spring Ruritan and Pamplin for use of their buildings. These should all be treated equally.

Sheriff's Department - Salaries and Wages figure may change based upon what the State Compensation Board decides to do regarding cuts. Also increase in Telecommunications Request. This could possible come from the E911 Account. They are also requesting two (2) new vehicles and a transportation van.

Fire Department:

Pamplin Contributions - This figures is actually decreasing. They are requesting the amount usually contributed for the building fund be given to go into a fund for the purchase of new truck.

Mr. Carroll is not looking for any decisions today, just making the Board aware of various things.

Building & Housing - Increase in request as they are requesting a new vehicle this year. This vehicle is beginning to require a number repairs.

Refuse Disposal is less than last year. Last year we budget \$100,000 in Part B for the next cell. We didn't include that in this year. At some point in time the Board will have to make a decision on whether to transfer waste out or go to the next cell. We will probably need to take a look at this in the next year.

General Properties increased by \$17,000 to \$18,000. There are several things that contributed to this increase. This is based on possible replacement of some air conditioning units since we had several to go bad this last year. The new maintenance person has HVAC experience and may be able to take of this maintenance instead of contracting out, thereby reducing this figure.

Recreation and Parks looks like it increased drastically. This is not so, Ms. Dixon asked that the Recreation & Parks and Community Center budgets be combined. Thus there is no longer a Community Center budget.

Contributions - This figure contains only those requests for which a letter was received. There

are probably some organizations that are funded every year that did not submit a request this year and will more than likely have to be added. Last year the Board decided not to take on any new requests. Just fund what had been funded previous years.

Convention and Education - Increase due to several new members to the Board of Zoning Appeals that need some training in what they are expected to do. All Planning Commission members, BZA members are encouraged to get the training that is available to them in order to understand their roles better.

The last item to be discussed was the School System Budget.

The first figures presented were basically what was mandated by the State. This represents the minimal budget and does not include debt service.

The next are incentive based programs and our part would be \$402,394 and they would get an additional \$1,111,000.

There was discussion regarding the various ways the school budget can be approved, total funds vs category by category. May need some clarification on some of these items.

At 12:20 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to adjourn the work session. **NOTE:** Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

On Monday March 18, 2002 at 6:00 P.M. the Appomattox County Board of Supervisors held a Special Called Meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va 24522.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd, Attorney - Sands, Anderson, Marks & Miller

At 6:00 p.m. Mr. Carter opened the meeting and stated that the meeting was called in accordance with §15.2-1418 of the Code of Virginia and that all members had waived the receiving of written notice of the meeting. Mr. Carter also stated the need to enter into a closed session for discussion with legal counsel concerning Courthouse litigation.

At 6:05 p.m. Mr. Carter made a motion seconded by Mr. Kendrick to enter into a closed session as per §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel. Mr. Carter called for discussion.

Mr. Carwile stated this special called meeting was called by two supervisors and they specified a open meeting. He is truly saddened that the Board wants to pull the litigation into closed session. Are you afraid for people to hear you speak, what's behind going into closed session? He feels the people should know what is going on.

Mr. Kendrick stated that every discussion addressing this litigation has been closed session. We are on the eve of some decision being made by the Judge or thru compromise and to bring that out in an open session can only deteriorate our position.

Mr. Carter then called for a vote on the motion before the Board: VOTE: Mr. Hancock, nay; Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:01 p.m. the Board returned to open session and Mr. Carter read the following:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A. 7, Of the Code of Virginia for the purpose of consultation with legal counsel.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, nay.

At 7:02 p.m. on a motion by Mr. Moore seconded by Mr. Kendrick, the Special Called Meeting of the Board was adjourned. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:03 P.M. Mr. Carter called to order the Appomattox County Board of Supervisors regularly scheduled meeting and Joint Public Hearing with the Appomattox County Planning Commission and asked Mr. Hancock to give the invocation.

PRESENT (Board of Supervisors):

Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

PRESENT (Planning Commission):

Al Sears
Kevin O'Brien
Calvin Tanner
Jerry Hughes
Steven Conner
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

ALSO PRESENT:

Andy Carroll - County Administrator
Brandon Stidham - County Planner
Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
Lee Byrd, Attorney - Sands, Anderson, Marks & Miller

Mr. Carter read the following statement as to the proper procedure for conducting the Public Hearing:

- This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.
- Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.
- We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Brandon Stidham, County Planner.

Mr. Stidham stated that Petition 02-493 as advertised was withdrawn by the applicant prior to public hearing. Mr. Stidham continued with the following:

02-494 - Willis Hamlett, II. - Conditional use permit to operate auto repair shop per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Route 705 between Rt. 632 and Rt. 633, Tax Map #78 (A) 48B, and is zoned A-1.

Mr. Stidham called for comments for or against this petition. Hearing none, Mr. Stidham read

the next petition.

02-495 - Gregory A. Wooten and Leslie T. Wilhoit - Conditional use permit to operate an auto sales business per §170-47(A)(30) of the Appomattox Zoning Ordinance. Property is located on U. S. 460 West between Rt. 646 and Rt. 703, Tax Map #62(A)142, and is zoned B-1.

Mr. Stidham called for comments for or against this petition. Hearing none, Mr. Stidham turned the meeting back to Mr. Carter.

A6 7:06 p.m. Mr. Carter declared the Public Hearing for Zoning Petitions closed.

At 7:06 p.m. Mr. Carter opened the Public Hearing on the Biosolids Ordinance and read the following:

- This public hearing provides concerned citizens with the opportunity to comment on the proposed Land Application of Biosolids Ordinance before the Appomattox County Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the subject with the Board members of other citizens.
- As you approach the microphone, please state your name and address for the record.

Dr. Betty Siano, 106 Virginia Avenue, Appomattox, came forward. Dr. Siano began by stating that for the first time in her life she regrets being a well educated person and being an American, she never thought that she would say such a thing. She has lived in other countries where this type of material has been used on the ground and she has seen the sickness, and diseases that our Country is not familiar with. She also read the articles in the News & Advance and the Times-Virginian and was amazed to see that the Board of Supervisors has finally realized that the 13,000 citizens of this County should not be abused because of the self-serving interests of some trucking companies and eleven farmers. The only difference between the biosolids decisions you gentlemen are making and the terrorists strike is that the pain and suffering from terrorists is much quicker. We, the citizens of Appomattox County are in for a long period of suffering.

Mr. Ray Wingfield, Route 711, Appomattox, Va. began by stating that he encourages the Board of Supervisors to enact the previous biosolids ordinances. It is the prudent and safe thing to do and by so doing you will have the support of the overwhelming majority of our county citizens behind you. The decisions made regarding biosolids will have more impact than any decisions made on new courthouses, new schools, new road signs and new tax bases, it will impact every present and future county citizen. If the Board's action creates any law suits, so be it.

Mr. Wingfield thinks the farmers should sue somebody and he has some suggestions as to who it should be. 1) the Virginia Health Department for practicing fraud, deception and giving out misinformation for indicating that the farmers would be receiving Class A Biosolids knowing full well that our county farmers have no chance at all of ever receiving Class A Biosolids; 2) the 58 or so Virginia Delegates who received donations for Synagro and other biosolid contractors; 3)

Environmental Protection Agency for not explaining that only 90% of all pathogens and air borne virus are killed in the stabilization process in Class B biosolids and the other 10% are killed by direct sunlight as it lays on the ground. If the sun does not shine for a few days and the wind blows, those same virus are being spread around; 4) you should sue the Sludge contractors, Synagro and Nutri Blend for general purposes. He continued with some informative statistics regarding other states and urged the Board to go all the way in its efforts to defeat biosolids use in the county.

The next person to come forward was Mrs. Ida Doss, Route 627, Appomattox. Mrs. Doss stated she is a third generation farmer. Her farm is a Grade A dairy farm. She would like to go on record as stating if her neighbor on Route 627 applies biosolids and upon checking her water and milk samples they find a bad sample, who is responsible for her livelihood from then on. Is it going to be the County, the people who put the biosolids down or is it going to be her neighbor.

Mr. Lee Munsick of Route 1, Pamplin was the next to speak.

Mr. Munsick began by stating that the United States Government will not allow biosolids to be spread on their land, also the State of Virginia will not allow it to be spread on their land. If this the case, why have we been singled out to become the "dung" capitol of Virginia. He is glad to see that the eleven (11) farmers who have applied for application of biosolids were not grand fathered in. He does not recall having seen anything regarding penalties for misuse, if any were available, he must have missed them. We need stringent penalties, real economic penalties. We need to work with other counties, other states and go as high as the U. S. Supreme Court if necessary to restrict the use of these biosolids in Virginia. His main question is why it is allowable to spread this sludge closer to streams than to houses, churches and schools? We are all downstream.

Ms. Charlotte Munsick, of Piney Ridge Road, Box 134B, Pamplin, Va was the next person to address the Board. She stated she agreed with what everyone before her had said. She would like to add that she would like to reinforce that the restrictions need to be very stringent. Is she correct to her understanding that the eleven permits would not be grand fathered in. She would like to emphasize the fact that strong penalties be recommended for those who violate the ordinance as proposed by the Board. She also believes that the distance from streams should be increased. She believes that the citizens of Appomattox County will stand behind the Board should any court action arise from the proposed ordinance. She urges the Board to make the restrictions so strict that this will not happen.

Mr. Carter next called on Dennis Torrence of Route 2, Appomattox, Va to speak.

Mr. Torrence began by saying that he still lives on the farm that his great-grandfather owned. The vast majority of the full-time/part-time farmers in the County are against the use of biosolids. The farmers who have applied for the use of biosolids are good people and are just trying to get by as best they can.

He would like to see the County institute a land use tax plan. Some of the reasons are: 1) study by Dr. Hail of the Virginia Institute of Marine Sciences; 2) we are in the worst drought since the 1930's. The greater concentration of biosolids in the low flow of streams; and 3) Supreme Court ruling against Virginia regarding garbage being transported into Virginia. It only took ten (10) years for this court ruling.

Mr. Torrence would like to see the Board adopt this proposed ordinance and if we have to go to court, so be it.

The next speaker was Ernest Harris of Route 1, Appomattox. He acknowledged the Board of Supervisors has a tough job, one that he would not want. The Federal Government and the State Department of Health says it is alright. However, the people in the County say it is not safe. These restrictions violate the Right to Farm Act. The County is going to get sued, go to court and lose. This is going to be an expensive procedure.

Mr. Tom Stratton of Route 2, Concord, Va. Mr. Carwile allowed him to review some of the documentation on biosolids. He has listened to the emotional speeches and accusations from citizens and he cannot see why everyone is so against it. These same people will go to the grocery store and buy produce that is grown outside of the Country and some canned goods that cannot be produced in the United States. He feels that we need someone who really knows the facts to address both the public and the county before we do anything else.

Mr. Paul Coviella, Route 4, (Police Tower Road). Appomattox, Va came forward and stated his property borders one of the properties where the owner has applied for the spreading of biosolids. He has spoken with the gentleman at the Department of Health who approved the permits for the spreading of biosolids and is not convinced that he has any real grasp on the repercussions that may occur as a result of the use of biosolids. He doesn't think they have any idea of what is going on. If this is so safe, then why is it restricted? He cannot find any evidence that it is safe with no health risks.

Mr. Bill Hunter of Route 1, Appomattox asked if he could speak from his seat. He has several questions. Where would most of these biosolids come from? Would most of it come from above the Mason-Dixon Line? It was 137 years ago that Appomattox was embarrassed by people from up North, why be embarrassed again. We are known for our historical significance and tourism is one of our main assets, what affect will this have on tourism.

He has been a farmer all his life and he made it without biosolids. Let each state take care of its own waste. He is concerned about the health of our citizens and the shortage of water throughout the state and does not want to have our water systems polluted.

At 7:52 p.m. Mr. Carter declared the Biosolids Public Hearing closed.

Mr. Kendrick made a motion seconded by Mr. Moore requesting the Board to take a five minute recess. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:00 p.m. Mr. Carter reconvened the Board of Supervisors meeting

When the Board existed the Closed session at 7:01 p.m. in conveyance to the Certifying motion that only those matter pertaining to Code section for discussion of a legal matter and courthouse litigation, Mr. Carter answered nay to the roll call vote but wishes to change his vote to aye at this time.

Mr. Carter next called for the next item on the Agenda, **ADMINISTRATIVE ITEMS: (Items 1-5)**

1. Action from the Closed Session: There was no action to be discussed from the closed session.
2. Biosolids:
 - (a) Ordinance: Having received comments from the public hearing does the Board wish to take any action at this time.

Mr. Kendrick still has a concern with the way the ordinance is written. He would like to see the distance from streams extended to 400 ft. The ordinance also does not address penalties or the application of biosolids during times of drought. Can these be amended at a different time?

Mr. Kendrick made a motion seconded by Mr. Moore to accept the Biosolids Ordinance as written providing changes can be made at a later time. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

- (b) Monitoring/Testing Fee Resolution: The County's current ordinances do not provide for a local monitoring program but this will be added at a later date. Does the Board wish to adopt the resolution for fees collection of \$4 per dry ton at this time?

Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the following resolution:

**RESOLUTION IN SUPPORT OF FEE
FOR LOCAL GOVERNMENT MONITORING
OF LAND APPLICATION OF BIOSOLIDS**

WHEREAS, Code of Virginia §62.1-44.19:3 stated that by January 1, 2003, "*the Board of Health shall adopt regulations requiring the payment of a fee for the land application of sewage sludge*" as a mean of reimbursing the direct costs for a reasonable amount of testing and for the monitoring of the land application of sewage sludge by counties, cities and towns that have adopted such ordinances; and

WHEREAS, a majority of the House Bill 2827 Advisory Committee voted to recommend a fee of \$2.14 per dry ton based upon average rates of various factors, such as wages and travel

distances for inspection staff, numbers of citizen contacts and complaints, among others; and

WHEREAS, the minority of the House Bill 2827 Advisory Committee recommended a fee of \$4.00 per dry ton on the grounds that using average rates necessarily excludes reimbursable expenses for localities that exceed the average rates of such factors; and

WHEREAS, the minority has determined that \$4.00 per dry ton is an appropriate amount to establish and maintain a fiscally sound and responsible monitoring program;

AND WHEREAS, the minority has noted that the resources are inadequate at the state level to properly administer an inspections and monitoring program.

NOW, THEREFORE, BE IT RESOLVED that the Appomattox County Board of Supervisors supports the establishment of a \$4.00 per dry ton fee in accordance with the aforementioned Code of Virginia requirements.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. Tobacco Grant: Information has been received regarding the projected funds needed to refurbish and landscape the current county welcome signs. Upon Board approval, staff will modify the grant to demonstrate use of funds to complete sign at industrial park, perform maintenance on current county welcome signs and to pay for the joint water study with the Town of Appomattox.

Mr. Kendrick made a motion seconded by Mr. Carter to accept the proposal to refurbish the current welcome signs, erect new sign at Industrial Park and apply \$25,000 to the water study with the Town of Appomattox. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Proposed Tax Rate: Does the Board wish to adopt a proposed tax rate tonight as per the budget work plan or wait until more information is available on state revenues?

Mr. Kendrick made a motion seconded by Mr. Carwile to table this item until more information is available. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. VDOT Revenue Sharing Program: Application has been made to VDOT for Revenue Sharing Funds to be used for road improvements to Country Haven Estates. These funds will not be available until June 2003.

After some discussion Mr. Moore made a motion seconded by Mr. Kendrick to approve the VDOT Revenue Sharing Program. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter presented the **CONSENT AGENDA: (Items 6-7)**

6. Approval of Bills: approve bills as presented.

SUPPLEMENTAL APPROPRIATIONS:

7. Sheriffs Department: Please appropriate \$221.13 to 3102-1002 (Regular Overtime) and \$1,089.97 to 3102-5408 (Vehicle Supplies) as requested by the Sheriff.

Hearing no discussion, Mr. Kendrick made a motion seconded by Mr. Moore to accept the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **INFORMATIONAL ITEMS:**

8. Elementary School Update: Update on the elementary school project as provided by the School board.
9. Town Council Agenda: Agenda for Town Council meeting of March 11, 2002.

Mr. Carter next called for **Supervisors Concerns:**

Mr. Carwile had some questions regarding the School budget and information available.

The Budget Work Session scheduled from March 25th is changed to March 26th at 6:30 p.m. The next regularly scheduled Board meeting will be held on April 1, 2002 at 6:30 p.m.

Mr. Carwile stated he would like to discuss the Special Called Meeting regarding the Courthouse Litigation process. Mr. Carwile and Mr. Hancock had asked for this Special Called Meeting. They wanted the citizens and the media to be present. He would like to see the Board accept the Commonwealth's proposal.

Mr. Carwile made a motion seconded by Mr. Hancock that the Board adopt the following resolution:

"The Board of Supervisors of Appomattox County, in order to facilitate a suitable resolution of the Courthouse litigation does hereby agree that the County shall either:

- (a) renovate the existing Courthouse using the Commonwealth's plans; or
- (b) build a new Courthouse by June 30, 2004, if, on or before November 5, 2002, (i) the new site is approved by a vote referendum; and (ii) the Board and Commonwealth have agreed to the elements and floor plans of the Courthouse.

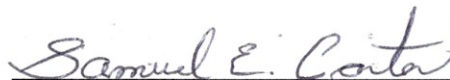
The Board does further instruct its counsel to work with the Commonwealth's counsel to prepare an Order which incorporates the foregoing, while ensuring that any such Order (1) is devoid of any findings as the current and existing conditions of the present Courthouse facility, and (2) requiring that the County and Commonwealth agree that each party shall be responsible

for its own fees and costs incurred as a result of this litigation.”

Mr. Carwile discussed the show cause order filed in the Clerk’s office and asked the Board to give an affirmative vote.

Mr. Carter then called for a vote on the above motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, nay; Mr. Kendrick, nay and Mr. Carter, nay.

At 8:41 p.m. on a motion by Mr. Kendrick seconded by Mr. Moore the meeting was adjourned. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

A special called meeting of Appomattox County Board of Supervisors was held on Tuesday, March 19, 2002 at 7:00 p.m. in the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
Lee Byrd - County Attorney - Sands, Anderson, Marks & Miller
Jim Cornwell - County Attorney - Sands, Anderson, Marks and Miller

At 7:04 p.m. Mr. Carter opened the meeting and welcomed all those present.

Mr. Carter stated he needed a motion to waive notification of Special Meeting with all members present, including counsel.

Mr. Carwile made a motion seconded by Mr. Moore to waive notification of Special Meeting with all members present. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Mr. Carter next stated the need for a closed session.

At 7:05 Mr. Kendrick made a motion seconded by Mr. Moore to enter into closed session as per

§2.2-3711 A. 7, Code of Virginia, Consultation with legal counsel for the purpose of Courthouse litigation.

Mr. Carter next opened the floor for discussion.

Mr. Carwile stated that we can only into executive session to discuss litigation but upon returning to regular session that any action taken that need to be taken be done so in open session.

Mr. Kendrick stated that if we take any action it will be done outside closed session.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, nay.

At 7:07 p.m. the Board entered into closed session.

At 7:44 P.M. Mr. Carwile made a motion seconded by Mr. Kendrick that the Board returned to regular session. VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Upon returning to regular session, Mr. Carter read the following Certifying Motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A. 7, Of the Code of Virginia for the purpose of discussion of a legal matter, which included exclusively the Courthouse litigation;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Kendrick, aye; Mr. Moore, aye; Mr. Carwile, aye; Mr. Hancock, aye; and Mr. Carter, aye.

At this point, Mr. Carter turned the meeting over Mr. Jim Cornwell, the County Attorney for an explanation of the days events.

Mr. Cornwell stated to everyone's knowledge there was a court hearing scheduled for Wednesday, March 20, involving the renovations on the courthouse. They have been working diligently to be ready and they are ready to go forth tomorrow on this matter. Today we have had further discussion both with the Court, Judge Poston, and Mr. Smith, the attorney for the Commonwealth. Those discussions caused us to make a proposal to the Commonwealth to resolve the issues between us or at least to make simple framework to resolve the issues between us, short of the Court hearing tomorrow.

Mr. Byrd was very instrumental in the discussion with Mr. Smith and they were very fruitful discussions. The proposal was favorable to the Commonwealth however they did make a few changes. Mr. Cornwell then went over the changes negotiated and the agreement to see if these proposals were agreeable with the Board of Supervisors.

**APPOMATTOX COURTHOUSE LITIGATION
OUTLINE OF PROPOSED SETTLEMENT**

1. Stay of Litigation for 60 days:
 - a. No discovery;
 - b. No motions and;
 - c. No other proceedings, other than relating to resolution issues.
2. Each party to bear own costs going forward regardless of outcome.
3. Architects shall meet and attempt resolution and formulate a joint recommendation (as to both a renovation of the existing courthouse and the construction of a new courthouse) with cost estimates within 30 days. In attempting to formulate the joint recommendation, the architects shall be governed solely by their professional expertise and judgement, and shall not be constrained by the views of either party. The deliberations of the architects in connection with the joint recommendation process are in the nature of settlement negotiations and shall be inadmissible in this or any other litigation.
4. Parties will have 30 days from submission of the joint recommendation to approve or reject it.
5. If the joint courthouse plan is agreed to and the Board of Supervisors seeks first to build a new courthouse:
 - a. Construction of New Courthouse submitted to Referendum;
 - b. Stay continues until November 2002 Election results of Referendum are certified;
 - c. If Referendum passes, new court house construction commences upon financing, and in no event later than December 31, 2003; and
 - d. If Referendum fails, the Board of Supervisors agrees to construct pursuant to renovation plan in joint recommendation.
6. If the architects cannot agree to a joint recommendation within 30 days, or if the parties do not approve the joint recommendation within 60 days, then this matter will be tried before Judge Poston no later than June 15, 2002.
7. Once construction has begun on an agreed plan (whether renovation or new courthouse), the Commonwealth shall withdraw its Motion for Costs and both parties agree to bear their own costs and expenses in this litigation.

8. Judge Poston continues oversight and resolution of any disputes during construction until Certificate of Occupancy is issued, at which time the case is dismissed.

Mr. Cornwell recommends that the Board of Supervisors accept this proposal.

Mr. Kendrick had a question regarding item 5 - "If the joint courthouse plan agreed to and the Board of Supervisors seeks first to build a new courthouse..." This basically implies that it would be up to the Board of Supervisors which plan they may want to enact. Is that what you read this to be?

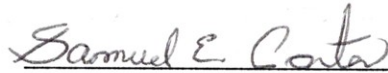
Mr. Cornwell stated that seems to be the implication. This is their language, not ours. This is the language given to us and we have not discussed the particularity of that language or what their intent was. He reads it the same as Mr. Kendrick does.

Mr. Kendrick made a motion seconded by Mr. Moore that the Board accept this Proposal as written and presented. ROLL CALL VOTE: Mr. Kendrick, aye; Mr. Moore, aye; Mr. Carwile, aye; Mr. Hancock, aye; and Mr. Carter, aye.

Mr. Carter thanked Mr. Byrd and Mr. Cornwell for their time and efforts.

Mr. Carter asked if there was a motion to adjourn this special meeting.

At 7:52 p.m. Mr. Moore made a motion seconded by Mr. Hancock to adjourn. Vote: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.


Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, March 26, 2002 the Appomattox County Board of Supervisors held a Budget Work Session at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District

ABSENT: Jesse L. Hancock - Falling River District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator

At 6:37 p.m. Mr. Carter opened the meeting.

Those members present felt that there would be no formal action taken tonight as two (2) members were absent.

Mr. Carter then turned the meeting over to Mr. Carroll.

Mr. Carroll passed out information pertaining to the Constitutional Officers funds received from the Compensation Board, regarding a possible 5% reduction for the Sheriff's Department and a 7% reduction for the other Constitutional Officers. Also the Compensation Board will not make an official approval of their budget until May 1, 2002.

Also the General Assembly passed legislation this year that allows localities to assess some fees in order to pick up additional revenue. The Sheriff, in anticipation of the budget cuts, would like to enact some of these fees. These would be collected thru the Clerk's Office and transferred to the Treasurer.

In order for these fees to be imposed, the Board would have to draft an ordinance and have a public hearing.

The General Assembly passed legislature (SB419) imposing a \$25.00 fee for anyone convicted of a felony for taking a blood sample for the DNA database. No ordinance is needed to collect this fee. Also, refer to fines that can be imposed for DUI convictions where emergency services have to respond, the amount cannot exceed \$1,000.00 (this ordinance was drafted and imposed by Roanoke County). Anytime there is an accident and either the police, fire department or rescue squad has to respond and the person is convicted of DUI, there will be an automatic fine and this will be returned to the County.

There was also some discussion regarding raising the fines for illegal parking.

Mr. Carroll will instruct staff to pursue drafting ordinances for additional revenue collections.

Mr. Carroll next presented items of concern regarding information the School Board provided the School Administration at its last meeting. The School Board did not act upon this information.

The School Board will meet with the Board of Supervisors on April 8, 2002 at 6:30 p.m. The tax rate should be also be set at this meeting in order to meet the tax collection date of June 5, 2002.

Mr. Carwile had several questions regarding items on the School Budget. Are these figures Budget figures or expenditures?

The Board of Supervisors requested Mr. Carroll ask the School Board to provide the FY-01

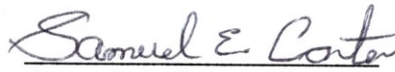
expenditures and also the Year-to-Date expenditures for FY-02.

Mr. Carwile also feels that the Board has committed themselves to the people. We need to set the rate around \$.66 or lower. We have got to start looking at where the school money is as the rest of the departments have basically been level funded.

Mr. Carroll stated he was still looking at the VRS retiree's fund from surrounding localities. The localities of Campbell, Prince Edward, Buckingham, Nelson, Bedford, and Amherst and they are all paying the 5% employees part of the VRS fund.

Mr. Carroll was referring to employees and Constitutional Officers but Mr. Carwile was referring to teachers. The VRS rates for the school employees is lower than ours.

At 7:37 p.m. on a motion by Mr. Moore seconded by Mr. Carwile the work session was adjourned.


Samuel E. Carter, Chairman

On Monday, April 1, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator

At 6:31 p.m. Mr. Carter opened the meeting and asked Mr. Hancock to give the invocation.

Mr. Carter stated that Mr. Bill Gillispie, Executive Director of the Regional Commission would like to address the Board on two items: 1) Central Virginia Metropolitan Signage Study and 2) a Regional Bike Plan.

Mr. Gillispie stated these two plans have been around for about two years. They were developed prior to his joining the commission. VDOT raised these issues and wanted them to be adopted by the localities. The Bike Plan is likely the first step in a somewhat lengthy process. Route 26,

Route 774 and Route 460 Business are some Routes that have been designated as potential bike paths. In order for these to be done, they must first be on the books as they cannot be funded thru highway money. The second things that must be done is that they are trying to take the bike plans and make what are called "green ways" which are recreational areas and walking paths, putting together a network across the region and this will open up opportunities for state and federal funding for things like parks, etc. All these parks or green ways will be networked across the region and open up some federal and state funding for development. The Bike Plan is the first step in this process. Next year we will be bringing you the whole plan.

The Signage Study is a look at types of signage and destination points. Your destination point, by far, is the historic realm. In terms of getting people to that point, the present signage is very inconsistent and could be improved by getting all signs the same height or the same color. Historic sites, brown as opposed to the traditional green or black on white. This study was to look at these signs and make some recommendations. Next year the study will be where should these signs be and what is the cost. They will be incorporating both of these studies into next years workplan.

After a short discussion period, Mr. Carter thanked and excused Mr. Gillispie.

Mr. Carter next called the Board's attention to the **ADMINISTRATIVE ITEMS:**

1. Planning Commission Recommendations: Mr. Carter presented the Planning Commission Recommendations to approve the following petitions:

02-494 - Willis Hamlett, II - Conditional Use Permit to operate auto repair shop per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Route 705 between Rt. 632 and Rt. 633, Tax Map #78(A)48B, and is zoned A-1.

02-495 - Gregory A. Wooten and Leslie T. Wilhoit - Conditional Use Permit to operate an auto sales business per §170-47(A)(30) of the Appomattox County Zoning Ordinance. Property is located on U. S. 460 West between Rt. 646 and Rt. 703, Tax Map #62(A)142, and is zoned B-1.

Mr. Moore made a motion seconded by Mr. Carwile to accept the Planning Commission's recommendations and approve petitions #02-494 - Willis Hamlett, II and #02-495 - Gregory A. Wooten and Leslie T. Wilhoit. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter asked the Board if they wished to consider the Resolutions presented by Mr. Gillispie at this time.

Mr. Carter then read the following resolution:

RESOLUTION REGIONAL BIKE PLAN

WHEREAS, many progressive metropolitan communities around the country are actively developing biking and hiking trails, referred to as "green communities"; and

WHEREAS, the Regional Bike Plan was designed to make recommendations concerning the placement of potential bike paths and shared roadways in this region; and

WHEREAS, these recommendations were approved by both the Central Virginia Metropolitan Planning Organization and the Transportation Technical Committee in 2000; and

WHEREAS, the regional plan must be reviewed by each locality for recommendation and approval; and

WHEREAS, this plan should be regarded as the first step in developing a comprehensive bikeway system and does not constitute a preliminary engineering document and approval of the report and/or recommendations herein does not necessarily guarantee implementation;

AND WHEREAS, the staff is requesting the Appomattox County Board of Supervisors to adopt the Regional Bike Plan for the County of Appomattox.

NOW THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby approve the Regional Bike Plan.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the Regional Bike Plan Resolution as written. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye.

Mr. Carter then read the resolution regarding the Signage Study:

RESOLUTION CENTRAL VIRGINIA METROPOLITAN SIGNAGE STUDY

WHEREAS, the Central Virginia Metropolitan Signage Study was included in the FY'00 Unified Transportation Work Program (UTWP) for the urbanized area as defined by the Central Virginia Metropolitan Planning Organization (CVMPO) study boundary; and

WHEREAS, during FY'99 the Central Virginia Planning District Commission (CVPDC) staff received comments from Federal and State officials, consultants, and others visiting the area indicating that the region was difficult to navigate; and

WHEREAS, these comments were brought to the Urban Transportation Technical Committee (TTC), an advisory group to the CVMPO Policy Board, and discussion ensued concerning the possibility of establishing a metropolitan signage study; and

WHEREAS, these recommendations were approved by both the CVMPO and the TTC in 2000;

and

WHEREAS, the regional plan must be reviewed by each locality for recommendations and approval; and

WHEREAS, this plan should be regarded as a first step in developing a comprehensive signage program and does not constitute a preliminary engineering document, and approval of the report and/or recommendations herein does not necessarily guarantee implementation;

AND WHEREAS, the CVPDC staff is requesting the Appomattox County Board of Supervisors to adopt the Central Virginia Metropolitan Signage Study for the County of Appomattox.

NOW THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby approve the Central Virginia Metropolitan Signage Study.

Mr. Moore made a motion seconded by Mr. Carwile to adopt the Central Virginia Metropolitan Signage Study resolution as written. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter presented the **Consent Agenda: (Items 2-10)**

2. Approval of Minutes: Minutes of Regular Meeting on January 22, 2002; Public Hearing on Gateway Signs of February 4, 2002; Regular Meeting of February 4, 2002; Regular Meeting of February 19, 2002; and Recessed Meeting of February 20, 2002.
3. Approval of Bills: Approval of bills as presented.

BOARD ACTIONS:

4. Festival Permit: Stonewall Vineyards is requesting a festival permit to hold their Mayfest on May 11, 2002. They are requesting the Board to waive the bond requirement as in the past.
5. Habitat for Humanity: Habitat for Humanity is requesting that the building/zoning permit fees be waived for two (2) houses the group plans to build within the next year. Approval of the consent agenda will grant the waiving of these fees but will not exempt the organization from complying with the zoning ordinance or building code requirements.

LINE ITEM TRANSFERS:

6. Commissioner of Revenue: Transfer \$2,335.14 from 1209-5201 Postage to 1209-3002 professional services.
7. Treasurer: Transfer of \$500.00 from 1213-5401 office supplies to 1213-5803 refund.
8. Legal Services: Transfer \$46,600 from 1101-8003 IDA Note 2000 to 1204-3002 Professional Services Legal Services for legal expenses incurred during the Courthouse

litigation. This figure reflects total bill to date.

SUPPLEMENTAL APPROPRIATIONS:

9. Library: Supplemental appropriations as follows:

7301-5415 - Summer Reading	\$233.00
Donations from February	
7301-5401 - Office Supplies	\$190.71
Copies, faxes, etc.	
7301-5411 - Books	\$381.44
Fines & book sales from February	
10. Registrar: Supplement 1302-5504 - Convention/Education by \$320.00 for registrar to attend a training seminar in Roanoke, Va.

Mr. Carter called for discussion on the Consent Agenda.

Mr. Carwile stated that item 4 - Festival Permit- Stonewall Vineyards - bond requirement should be waived as in the past.

On a motion by Mr. Kendrick seconded by Mr. Carwile the Consent Agenda was approved as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **INFORMATIONAL ITEMS: (ITEMS 11-12)**
(There were two (2) items numbered 12 in error.)

11. School Board's Monthly Financial Report: School Board Report for May 2002
12. Town of Appomattox Agenda: Agenda for Town's meeting of March 26, 2002.
12. Central Virginia ASAP: 2001 Annual Report for the Central Virginia Alcohol safety Action Program.

Mr. Carter next called for **Supervisor's Concerns (item 13):**

Hearing no Supervisor Concerns, Mr. Carter stated the next item for consideration was a Budget Work Session as requested by the Board at the meeting of March 26, 2002.

At 6:47 p.m. Mr. Carter requested a short recess.

At 6:52 p.m. Mr. Carter reopened the Meeting and stated the Board would conduct a Budget Work Session (item 14 on the Agenda)

Mr. Carroll briefly discussed information from the Department of Taxation regarding ABC and Wine profits and also sales tax revenue. Sales tax increased about \$90,000 over what we had previously budgeted in the original revenue sheet.

Mr. Carroll gave a brief statement about some of the information that was presented. He also related information received by fax from Ellen Davenport at VACo discussing the lottery funds. These funds can be split no more than 50% to use for recurring expenditures and at least 50% spent on non-recurring expenditures by the school boards. Non-recurring expenditures are described to include school construction, additions, infrastructure, site acquisitions, renovations, technology and other expenditures related to modernizing class room, equipment and debt service payments on school projects during the past ten years.

Mr. Carroll presented the following items:

Commissioner of Revenue - Mr. Mays has not been including any conference/education convention expenses in his budget. Mr. Carroll had requested Mr. Mays to includes these figures in his budget.

School Resource Officers - these grants have been re-approved at a 80/20 match. The approved budget of \$32, 705 is the total, including federal and local match money.

Davenport & Co. - Correspondence from Darryl Hill of Davenport & Co. Mr. Hill essentially stated there was no savings in refinancing the County's current long-term debt.

Real Estate Tax: According to the work plan adopted for the budget, the Board is scheduled to adopt or set the tax rate at the April 8th meeting. The equalized rate is \$.66 cents per \$100 assessed rate. If the Board wanted to raise this equalized rate, you would need to have a public hearing. If you are not planning to raise this rate, no public hearing is necessary. If the tax rate is not set at the April 8th meeting, the June 5th tax collection date may have to be pushed back.

Mr. Kendrick discussed his feelings regarding some of the statements made recently in the news media regarding the Board cutting certain things from the budget, especially the school budget. The Board does not have the ability to cut line items, they can only control the total budget. Line items and programs are cut by the agency or department.

Mr. Carter echoed Mr. Kendrick's remarks. The Board has no control over line items changes or any of the various scenarios submitted for approval.

Mr. Carwile agrees with both Mr. Carter and Mr. Kendrick. However, he does not want the Board to set the tax rate in haste. The public has been told the tax rate would be around \$.66 per \$100 of assessed value or maybe lower to around \$.62 per \$100. He suggests the Board let Mr. Carroll look at what revenue is available and then we can see what we can do on funding for the school as well as funding the other departments. Most of the departments budgets have already been cut by the State, some as much as 7%, with the exception being the Sheriff's Office. It is time for the Schools and Administration Staff to share the pain of the budget process. He encourages the School to reduce its budget at the salary level and not by cutting programs involving the children.

Mr. Moore cannot see the citizens of the County picking up the slack created by cuts at the State

level.

Mr. Carroll next discussed the Blue Cross Insurance Premiums for the eighty county employees.

Mr. Kendrick stated health care insurance was something we needed to pursue. There will never be a plan that suits everyone. The ever escalating price increases will never be suitable. We need to look at this expenditure other than at budget time.

Mr. Carroll stated the School Board had put out a RFP to look for a consultant to help the School Board and the County/Town identify some of the options: HMO, PPO, a different carrier or different coverage. This RFP closes within the next couple of weeks. The Regional Commission is also working to find a plan that would suit all our needs.

The Board needs to talk with the School Board regarding what they feel is equal treatment.

There was a lengthy discussion regarding health care insurance with the Board requesting a copy of the RFP sent out on insurance.

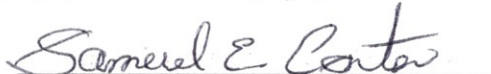
Discussion continued with other departmental requests for this FY budget. Mr. Carroll made the Board aware of which requests were increased over last year and the justification for these increases.

Mr. Carroll presented the Board with several scenarios concerning the School Budget using the figures presented by the School and State.

Mr. Kendrick discussed the idea of a regional school system.

Mr. Carroll asked if any Board members had planned to attend the Regional Commission Spring Dinner Meeting on Wednesday, April 17, 2002 at 6:00 P.M. at the Moose Lodge-Appomattox. Mr. Carroll will RSVP for Mr. Carwile, Mr. Carter, Mr. Moore and Mr. Kendrick.

At 8:10 p.m. Mr. Kendrick made a motions seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, April 8, 2002 that Appomattox County Board of Supervisors held a Budget Work Session at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, VA.

PRESENT (Board of Supervisors):

Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox, River District

ALSO PRESENT: Andy Carroll - County Administrator

PRESENT (School Board):

Lannis Selz
Clifford Rhodenizer
Amy Martin
Earl Pickett

ABSENT (School Board):

R. W. Mitchell

ALSO PRESENT:

Dr. Walter Krug - Superintendent of Schools
Billy Perrow - School Administration

At 6:33 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter then asked the School Board to join the meeting.

Mr. Perrow presented the Board of Supervisors with a revised School Budget.

Dr. Krug began by handing out a printed presentation. He discussed several challenges that are facing the school system in the upcoming years. He also discussed some of the accomplishments of Appomattox County students over the last couple of years. Listing some of the outstanding colleges and universities where our students have been accepted.

Dr. Krug also stated what the impact of a drastic reduction on the budget would have on class size, programs, and resources for teachers and extra-curricular activities. The purchase of new buses and bus maintenance would also be impacted. One-third of the County's buses are 11 years old or older.

Dr. Krug continued by discussing budget revenue, both County and State funds; a summary of expenditures and capital outlay.

Dr. Krug is asking the Board of Supervisors to adopt this newly revised School Board budget.

There were a few questions regarding the information presented to the Board.

At 7:40 p.m. Mr. Carter thanked the School Board for their participation.

At 7:42 p.m. Mr. Carter called for a short recess. Mr. Hancock left at this time.

At 7:55 p.m. Mr. Carter reconvened the meeting.

Mr. Carter informed the Board that at the April 1, 2002 meeting the Board decided to discuss several budget issues following tonight's meeting. Mr. Carter also called attention to a document received from VACo regarding Constitutional Officers funding.

Mr. Carroll presented the items for discussion: Blue Cross, Compensation Board, Constitutional Officers, etc.

Discussion followed.

Mr. Carter stated he would like to level fund back to FY2002 and also the contributions should be held as they are at the present time.

Mr. Kendrick stated that depending upon what the Courthouse was going to cost, we could expect to increase revenue from between \$.045 cents to \$.065 cents. Looking ahead to FY2004, the debt service would be reduced on the school by \$150,000, which means that budget project would be down some. If we can contain the school expense into the inflationary rate that we might assume, you would be looking at basically the courthouse at that point, plus the inflation.

With school funding scenario #2, we may be able to sustain the tax rate at \$.66 this year, but next year that would be impossible without doing some severe cutting somewhere in the neighborhood of \$455,000.

Mr. Carwile stated he felt everyone had gotten their heads together and were only two scenarios apart and he was looking at school funding scenario #4 which is not that much different but would give us some lead way.

Mr. Carroll will work up the difference changes and have them available for the next meeting.

Mr. Carter asked if there was any other business to be discussed.

At 8:25 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Samuel E. Carter

Samuel E. Carter, Chairman

On Monday, April 15, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 Brandon Stidham - County Planner

At 6:34 p.m. Mr. Carter opened the meeting and asked Mr. Kendrick to give the invocation.

At 6:35 p.m. Mr. Carter made a motion seconded by Mr. Carwile to enter into a closed meeting to discuss matters exempt under §2.2-3711 A.1 of the Code of Virginia - Personnel Matters, specifically the discipline of an employee of the Board; and §2.2-3711 A. 7 of the Code of Virginia, to discuss the following legal matters: probable litigation concerning the County's Biosolids Ordinance, and Contracts concerning Porter House Road and Country Haven Estates. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:06 p.m. Mr. Carwile made a motion seconded by Mr. Hancock to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following Certifying Motion:

Whereas, this Board convened in a closed meeting under §2.2-3711 A.1 and §2.2-3711 A. 7, Of the Code of Virginia for the purpose of discussion of personnel and legal matters;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter stated that the next item on the agenda was a Public Hearing with the Planning Commission, the Board of Zoning Appeals and Appomattox Town Council, as advertised.

PRESENT: (Planning Commission)

Al Sears
Kevin O'Brien
Calvin Tanner
Jerry Hughes
Steve Connor
Jim Seftor
Marvin Mitchell
Robert Johnson
Susan Hudson

ABSENT: (Planning Commission)

John Wilson

PRESENT: (Board of Zoning Appeals)

Clifford Harvey
James Cheatham
Susan Hudson

ABSENT: (Board of Zoning Appeals)

Dot Wooten
Dale Campbell

PRESENT: (Appomattox Town Council)

Ronald Spiggle, Mayor
Marvin Mitchell
Norman Mayberry
Steve Lawson
Lewis McDearmon
W. H. Carson

ABSENT: (Appomattox Town Council)

Joyce Bennett

Mr. Carter read the following statement:

This joint public hearing provides property owners the opportunity to present their zoning petitions and concerned citizens with the same chance to speak in support of or against the petitions before the Appomattox County Planning Commission or the Appomattox County Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will take place immediately following the public hearing. We will begin each petition with comments by the petitioner, followed by comments from individuals to speak for the petition and finally from individuals speaking against the petition. As you approach the microphone, please

state your name and address for the record.

Mr. Carter called upon Mr. Stidham to read the first petition.

#02-496 - Robert & Doris Martin: Rezone property from R-1 Residential to A-1 Agricultural. Property is located on Rt. 1046 between Rt. 1045 and Dead End, Tax Map #63A(A)1.

Mr. Stidham called for comments for the petition and comments against the petition.

Hearing none Mr. Stidham read the next petition:

#02-497 - Gehad Natour: Variance to front yard setback requirements of the Town of Appomattox Zoning Ordinance. Property is located on Rt. 1011 between Rt. 24 and Dead End, Tax map #64A2(2)17, and is zoned R-2.

Mr. Stidham called for comments for the petition and against the petition.

Hearing none Mr. Stidham read the next petition:

#02-498 - Melody Dyson: Conditional use Permit to located business sign per the Town of Appomattox Zoning Ordinance. Property is located on Court Street between Moses Street and Bandana Street, Tax Map #64A5(3)B, and is zoned R-2.

Mr. Stidham called for comments for the petition and against the petition.

Hearing none, Mr. Stidham read the next petition.

#02-499 - Nancy Almond: Variance per §170-75 of the Appomattox County Zoning Ordinance to construct an accessory building in the Flood Hazard District. Property is located on Rt. 623 between Rt. 605 and Dead End, Tax Map #8(1)7 and is zoned A-1.

Mr. Stidham called for comments for or against the petition.

Hearing none, Mr. Stidham read the next petition.

#02-500 - Gleaning for the World, Inc. & Clayton C. Bryant: Conditional use permit for warehouse and office space per §170-47(A)(27) of the Appomattox County Zoning Ordinance. Property is located on Rt. 609 between Rt. 460 West and Rt. 608, Tax Map #60(8)6, and is zoned B-1.

Mr. Stidham called for comments for the petition.

Rev. Ron Davidson, P. O. Box 645, Concord, Va. came forward. He is the Executive Director and Founder of Gleaning for the World. Mr. Davidson stated they receive surplus goods and

used parts that are still usable for the mission field. They provide these goods world wide. In the three (3) years they have been in operation they have shipped over \$700,000,000 worth of life saving products to 36 different countries around the world, including the United States. They are considered a "quick response" for man made or natural disasters anywhere in the world and have responded to every natural disaster in the United States including September 11, 2001. They are proposing to move their Headquarters and warehouse that is now located about one mile west of Appomattox in a leased building to this location. There would a 24,000 Sq. ft. of building with 3,000 sq. ft. of that being office complex. There would be four loading docks for incoming and outgoing products. The land is presently zoned B-1 and they are asking for B-1 Conditional in order to be able to provide for the storage unit that is presently owned by Mr. Bryant. They would be purchasing that unit if the property is re-zoned. They expect to be good neighbors to those around them. They do not propose to have a trashy looking building, as the building represents who they are and we are going to have a building that represents us well. There will be no hazardous materials around the building, nor will there be any medications or narcotics stored on the property. Hopefully in the future this will become the International Headquarters for the ministry.

Mr. Stidham called for additional comments for the petition. He also called for comments against the petition.

Hearing none, Mr. Stidham read the next petition.

#02-501 - Ruby and Jerry Staton: Variance per §170-80 of the Appomattox County Zoning Ordinance pertaining to side yard setback requirements. Property is located on Rt. 642 between Rt. 727 and Dead End, Tax Map #76(2)6, and is zoned R-1.

Mr. Stidham called for comments for or against the petition.

Hearing none Mr. Stidham read the last petition.

Zoning Ordinance Amendment - Amend definition of "lot width" per §170-3 of the Appomattox County Zoning Ordinance.

Mr. Stidham called for comments for or against the petition. Hearing none, Mr. Stidham turned the meeting back to Mr. Carter.

At 7:15 p.m. Mr. Carter closed the Public Hearing and called for a short recess.

At 7:25 p.m. Mr. Carter reopened the Board Meeting and called for the **ADMINISTRATIVE ITEMS:**

1. Action from Closed Session: There was no action taken to be discussed.
2. **FY 03 Budget:** At the last Board meeting some additional information was requested

concerning the proposed FY03 Budget. The Board also stated its intention to set the Real Estate Tax for the coming year and set a date for the public hearing concerning the Budget.

Mr. Carwile stated that the time was upon us to set the tax rate. In 1992, the new Board was faced with a financial mess. However, the County is in good shape compared to what it was in the past. With the overall revenue and what is expected from the State Corporation Commission, we feel comfortable that we can make a projection as to the tax rate and what we can do with the money available. There are several things that have impacted the Budget that we had no control over.

The original school budget was \$17,224,794 and revised to \$16,829,211. A difference of \$395,583. Mr. Carwile supports scenario #4 presented by the County Administrator for the school budget. The Board had previously discussed scenario #2 which would represent a \$.07 cents difference in the Real Estate Tax Rate. Mr. Carwile also discussed pay increases and health insurance coverage. Mr. Carwile suggests the Board accept scenario #4 and put the difference between the two scenarios into a Capitol Improvement Project Account.

Mr. Kendrick stated that budgeting is a working thing. We need to look at restructuring the debt. He has taken another look at scenario #1. Mr. Kendrick discussed some of the differences between scenarios #2 and #4. We still have the courthouse and healthcare facing us and next year there will be a tax increase.

Mr. Kendrick made a motion to accept scenario #1 (for school budget) and set the tax rate at \$.66 per \$100 value assessed.

Mr. Carter seconded the motion and called for discussion.

Discussion centered around the C.I.P., debt service, what construction dollars would be used for, and trying not to cut programs.

Mr. Carwile made a substitute motion to the motion on the floor made by Mr. Kendrick to accept Scenario #4 for the school funding.

This substitute motion died for lack of a second.

Mr. Moore stated he liked Scenario #2. Mr. Carwile's suggestion cuts the school budget and Mr. Kendrick's gives them more. He feels this scenario will be best for the school and also puts the Board in a better position.

Mr. Moore made a substitute motion to accept Scenario #2, instead of either #1 or #4. Mr. Hancock seconded this motion.

After more discussion, Mr. Hancock and Mr. Carwile both agreed with Mr. Moore on accepting

Scenario #2.

Mr. Carter called for a vote on Mr. Kendrick's motion to accept Scenario #1 for the School Funding of \$4,857,935 in local dollars and set the tax rate at \$.66 per \$100 value assessed.

VOTE: Mr. Kendrick aye; Mr. Carwile, nay; Mr. Hancock, nay; Mr. Moore, nay; and Mr. Carter, nay.

Mr. Carter next called for a vote on Mr. Moore's motion to accept Scenario #2 for the School Funding of \$4,682,786 in local funding and set the tax rate at \$.66 per \$100 value assessed.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Carter, aye; and Mr. Kendrick, nay.

Mr. Carter called for a short recess.

At 7:50 p.m. the Board was called back in session.

Mr. Carter informed the Board members that they had been given a handout prepared by Mr. Carroll pertaining to Compensation Board's funding to the Constitutional Officers. This revision does not contain the cuts that were previously anticipated. This will leave approximately \$21,000 for the Board to fund.

After some discussion the Board by consensus decided to leave this amount in the Budget as well as salary increases for the Sheriff's Department, for the Public Hearing.

The Board also set a Public Hearing on the County Budget for FY 2003 for April 29th, 2002 at 6:30 p.m. at the Appomattox County Courthouse.

3. Resolution of Support for Crime Victim's Rights Week: Mrs. Freshwater has asked the Board to approve a Resolution of Support for Victim's Rights Week - April 21-27, 2002.

RESOLUTION

Whereas, one violent crime is committed in America every 4 seconds and one property crime every 1.6 seconds; and

Whereas, 25.9 million Americans are victims of crime each year, and of those, 6.3 million are victims of violent crime; and

Whereas, despite the recent reduction in the rate of crime, far too many persons still suffer the impact of crime; and

Whereas, crime victims play an indispensable role in bringing offenders to justice; and

Whereas, victims of crime deserve respect, resources, restoration, and justice; and

Whereas, as we carry crime victims' rights into 2002 and beyond, we must Bring Honor to Victims, striving to create a world where the legal rights of victims are honored and government agencies are accountable for their treatment of victims; and

Whereas, despite significant progress in providing rights and services to crime victims over the past two decades, large segments of our population, including crime victims who are elderly, disabled, or living in rural areas, are still under-served; and

Whereas, as a nation devoted to liberty and justice for all, America must increase its efforts to protect, restore, and expand crime victims' rights and services; and

Whereas, Appomattox County Victim/Witness Program is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Appomattox County, Virginia and America to observe National Crime Victims' Rights Week;

Therefore, be it Resolved, that Appomattox County Board of Supervisors designates the week of April 21-27, 2002, as Appomattox County, Virginia Crime Victim' Rights Week; and

Be it Further Resolved, that Appomattox County Board of Supervisors reaffirms a commitment to respect and enforce victims' rights and address their needs during 2002 Appomattox County, Virginia Crime Victim's Rights Week and throughout the year; and

Be it Further Resolved, that this official proclamation be presented to Appomattox County Victim/Witness Program on April 15th, 2002.

Mr. Carwile made a motion seconded by Mr. Moore to adopt the above resolution:

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. VDOT Resolution: VDOT is proposing to close Route 652 to thru traffic for a period of 3 months for bridge replacement.

RESOLUTION

WHEREAS, Route 652, 0.90 mile South of Route 648, the existing bridge at Reedy Creek, due to deterioration, will be replaced as a result of project 0652-006-P52, N502, B629 with a slab span bridge and

WHEREAS, the slab span bridge will be built on the same location as the old structure and will require demolition of the old structure prior to construction of the new slab span bridge.

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox County Board of Supervisors concurs in closing this section of Route 652 to thru traffic for approximately 3 months for the

construction of the new slab span bridge.

Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the above resolution:

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. SB592 - \$5.00 Landfill tipping fee: Information has been received regarding SB592 and its amendments by the Governor. The General Assembly will consider action on this matter on 4-17-02.

Mr. Moore stated he was not in favor of this bill as it will cost the County and we will not get any benefit from it. We need to contact our representatives to oppose this legislature.

Mr. Kendrick made a motion seconded by Mr. Moore to oppose the amendment on SB592 by Gov. Warner. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. Board Appointment: Dr. Staat, President of CVCC has informed the Board that the term of Mr. Tom Ford will expire on June 30, 2002. Mr. Ford is eligible for reappointment. Mr. Ford is willing to serve another term.

Mr. Carter made a motion seconded by Mr. Carwile to re-appoint Mr. Tom Ford to another term on the Central Virginia Community College Board. VOTE: Mr. Carwile, aye, Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Consent Agenda: (Item 7-10):**

7. Approval of Bills: Bills presented for payment.

BOARD ACTION:

8. Festival Permit: Stonewall Antique Power Association will hold its Annual Spring Festival May 18 & 19, 2002. They are requesting that the bond requirement be waived as in the past.

LINE ITEM TRANSFERS:

9. Landfill: Request \$6,000.00 from 4204-3002 Professional Services to 4204-5408 Vehicle Power Equipment to reflect expected expenditures.

SUPPLEMENTAL APPROPRIATIONS:

10. Library: Approve supplemental appropriation as follows:

7301-5411 - Books	\$493.34
(Fines & book sales March 2002)	
7301-5401 - Office Supplies	\$255.30
(Copies, faxes, etc.)	
7301-5415 - Summer Reading	\$351.15

(Donations - March 2002)

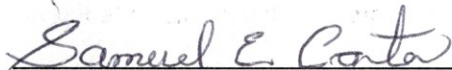
Mr. Kendrick made a motion seconded by Mr. Moore to approve the consent agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then presented the **INFORMATIONAL ITEMS:**

11. Town of Appomattox Agenda: Agenda for meeting held on April 8, 2002.
12. Appomattox Volunteers for Tourism Donation: Letter from Benjamin Emerson regarding Board's donation to this organization to promote tourism.
13. Supervisor Concerns: There were no Supervisor Concerns presented.

Mr. Carter reminded everyone of the upcoming meetings.

At 9:25 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to recess to Monday, April 22, 2002 at 6:30 p.m. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, April 22, 2002 the Appomattox County Board of Supervisors reconvened a recessed meeting of April 15th 2002, at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
Hal Craddock - Craddock-Cunningham Architectural Partners
Shann Arrington - Craddock-Cunningham Architectural Partners
Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
Lee Byrd, Attorney - Sands, Anderson, Marks and Miller

At 6:34 p.m. Mr. Carter opened the recessed meeting of April 15th, 2002 and asked Mr. Moore to give the invocation.

The first thing on the agenda is the request to appoint a Health Care Insurance Committee. to work with the School Board and Appomattox Town Council. Would anyone like to volunteer to participate on this committee.

Mr. Carroll informed the Board that replies have been received from the RFP's and three companies have been interviewed. What this committee would do is work with two or three members of the Town Council, if they decided to participate, a couple of members from the School Board to: 1) look at the recommendation presented as to which consultant to go with; and 2) the time lines are very tight and they would need to start working on what is available so we can meet the October 1st sign-up dates for the health care insurance. They would also look at the options, guide the Board with periodic reports, that would lead up to the final report to the full Board of Supervisors, School Board and Town Council.

Mr. Carroll stated the committee would probably meet within the next couple of weeks and then maybe have a couple of more meeting within the next few months. The Board representative should have some idea of what the fellow members wish to accomplish with the health care insurance. Are we looking to change plans, keep the same plans, etc.

Mr. Carter and Mr. Kendrick volunteered to serve on this committee as representatives from the Board of Supervisors.

Mr. Carter stated that it was necessary to go into a closed session to discuss a legal matter, Courthouse Litigation.

At 6:45 p.m. on a motion by Mr. Carwile seconded by Mr. Moore the Board entered into closed session as per §2.2-3711.A.7, Legal consultation regarding Courthouse Litigation. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:48 p.m. on a motion by Mr. Moore seconded by Mr. Hancock the Board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following Certification:

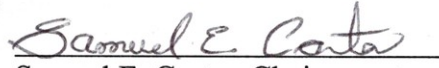
Whereas, this Board convened in a closed meeting under section 2.2-3711.A.7, Of the Code of Virginia for the purpose of legal consultation.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:51 p.m. Mr. Hancock made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


 Samuel E. Carter, Chairman

On Monday, April 29, 2002 the Appomattox County Board of Supervisors held a Budget Public Hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 John K. Spencer, Jr. - Assistant County Administrator

At 6:35 p.m. Mr. Carter declared the Public Hearing open and gave the invocation.

Mr. Carter then stated the purpose of the hearing to present the County Budget for FY2003 and receive comments pertaining to this budget. This will not be a questions and answers session. Mr. Carter then turned the meeting over to Mr. Carroll, County Administrator, to present the budget.

Using a overhead projector, Mr. Carroll presented an overview of the revenue and expenditures proposed by the Board of Supervisors after several meetings with the various department heads and discussions during seven work sessions beginning in January 2002.

Mr. Carter gave the procedure for those wishing to make comments; come forward, using microphone, give name and address for the record.

Mr. Carter then asked the first speaker to come forward.

Mr. A. R. "Chip" Padgett of Route 3, Box 387, Appomattox came forward, stating he was here to

discuss the budget and the cuts planned. He has read over the past several weeks different plans that the Board has considered. As in the past during budget process, the Board has had to raise taxes and cut programs. The Board members talk about being for the County, now is the time to prove it. Before any cuts are made, he would like to make the following suggestions:

- 1) Fire the present law firm you have. They have wasted too much of our money, giving you bad advice and hire a local firm that understands the people of Appomattox and the way Appomattox thinks and conducts business.
- 2) Request every Administrative head, from the County Administrator on down, to take a 5 to 10% pay cut until the budget is straight.
- 3) Gentlemen, lead by example - before any programs are cut, I strongly suggest that you the Board, should suspend your pay from the County for a minimum of one year.

I know this is not much money, however, it may be enough to save a program, prevent a teacher or county person from losing their job. At least show that you are with the County. Some of you on the Board have made this problem, but it is up to all of you to correct it. Don't ask anyone to do what you are not willing to do yourself.

The next person to speak was Ms. Ruth Williamson, P. O. Box 1117, Pamplin, Va.

Ms. Williamson stated she has some real concerns regarding the school budget. She is a public school teacher, but not in Appomattox County. She has two small children who attend school where she teaches, strictly for convenience. Schools are already as tight as they can be. There is not a lot of room for cuts, because when you begin cutting funds, people lose their jobs and you lose needed services. She is concerned about the things we could lose, sports activities, music and art. As a member of the Town Council of Pamplin she realizes that you constantly have to look at how you can fit things in and fund the things you have to fund. She is concerned with the educational and intellectual deficits if you do not fully fund the school's budget. She feels that all the voters are concerned about this issue.

Ms. Amy Martin of Route 2, Box 241, Gladstone, Va was the next to speak.

She would like to commend each of the Board members for giving a great deal of their personal time on behalf of the community. As a member of the School Board, she may not agree with all of your decisions, especially, where the education of our children are concerned, she respects your right to make this decision. She expects you to respect her right to fight for the children of the County. There are some assumptions by some that she feels need to be clarified. We keep hearing about a \$803,155 "catch all" or discretionary fund in the school budget. This would indicate a fund for which there are no planned expenditures - there is no such fund in the school budget. The line item in question is on the revenue side of the budget, not the expense side. The budget presented to the Board in January was based on the needs of the children. If the School Board were to eliminate every increase, teachers and administrative staff, the total cut from the budget would be \$547,000. This is a far cry from the amount, we must remove. You have consistently asked us to "share the pain", but to my knowledge no County program or County position has been cut. The school system is continually bearing more than their "share of the pain".

The School Budget does not have any "catch all" fund. If only that were true, we would not have

to reverse so much of the progress this school system has made over the years and a system for which each citizen should be proud. We do not want to cut jobs, programs or services, but we are not given the choice. We will be making some extremely difficult decisions in the next few weeks for which our children and our community will suffer. Any reconsideration you can give us will be greatly appreciated.

Mr. Brett Thompson of 130 Walton Place, Appomattox came forward.

Mr. Thompson stated he was there both as a parent and as President of the Chamber of Commerce. By cutting the school budget you are sending the wrong message to not only the citizens in our community but in other communities, to other prospective residents, new businesses that might think about moving here. One of the things they look at are the school system and you are sending the wrong message by cutting the school budget. You are taking a step backwards. He questioned what was being done to increase revenue. Instead of "trying to see what will fit into the shoe, we need to get a bigger shoe." The Chamber is actively trying to promote economic development and tourism. We see that as something that has to be done, we are losing business and losing taxes. We have got to do something to move forward, we cannot continue to stay the same. The Chamber made a commitment to hire an Executive Tourism Director and we are in the process of doing that. We have gone through the interview process and hope to make an announcement within the week. We could use the Board of Supervisor's help. Do not look at this request as an expense, but rather look at it as an investment.

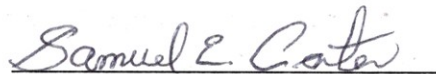
Mr. Evans Thomas of Route 4, Box 227, Appomattox was next to speak.

Mr. Thomas stated he was wearing two hats tonight. He is speaking as Vice-President of the Chamber of Commerce and also as the Commissioner of Accounts for Appomattox County. They are asking the Board to make an investment by funding the Chamber's budget request as this is something they have taken the lead on as suggested by the Board sometime ago, when the Board voted to fund a Tourism Director position. They are in the process of raising funds to go with the county's portion. As Commissioner of Accounts, he did not submit a request for funds.

Mr. Carter called the last speaker, Mr. Wayne Childs, P. O. Box 926, Route 669, Concord, Va. Mr. Childs stated he has one concern that has to do with the supplement to the SOQ. The \$803,155. The statement had been made that there was no justification to this. There is plenty of justification for dozen or so SOQ programs. That money is needed and can be used anywhere, especially for the kids. If you cancel programs, we end up with kids on the streets. We would rather see our kids on the courts instead of in the courts.

Mr. Carter asked if anyone wished to speak that did not sign up to do so.

At 7:00 p.m. Mr. Carter closed the public hearing.


Samuel E. Carter, Chairman

On Monday, May 6, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held it's regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 John K. Spencer, Jr.- Assistant County Administrator
 Dan Siegel - Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd - Attorney - Sands, Anderson, Marks & Miller
 Shane Arrington - Craddock-Cunningham Architectural Partnership

At 6:32 p.m. Mr. Carter opened the meeting with Mr. Moore giving the invocation.

At 6:33 p.m. on a motion by Mr. Kendrick seconded by Mr. Moore, the Board convened a closed session under §2.2-3711 A. 1 and §2.2-3711 A.7 of the Code of Virginia, for a personnel matter and legal consultation on Courthouse Litigation and Biosolids, . VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:45 p.m. on a motion by Mr. Carwile seconded by Mr. Moore the Board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the certifying motion:

Whereas, this Board convened in a closed meeting under § 2.2-3711 A.1 and § 2.2-3711 A. 7, Of the Code of Virginia for the purpose of discussion on a temporary personnel issue and legal consultation.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Siegel, Mr. Byrd and Mr. Arrington left the meeting.

Mr. Carter next called for the **ADMINISTRATIVE ITEMS** on the Agenda.

1. Action from Closed Session: There was no action taken to be discussed.
2. FY03 Budget: After having held several work sessions concerning the budget and having held its public hearing for the proposed FY03 budget on April 29, 2002, does the Board wish to make any amendments to the proposed budget? And does the Board wish to adopt the proposed budget at this meeting?

Mr. Carwile stated he had put a lot of time and consideration on this issue.

Mr. Kendrick stated that as far as the overall budget is concerned, he is satisfied that a great deal of time and effort went into this. He is not totally satisfied with the area of education. His greatest concern is the additional funds and what is to be done with them. The County is not covering about \$170,000 in debt service. The County in the past has actually funded the School above the minimum and got credit for funding at the minimum. He realizes that the School budget was greater this year and he is satisfied with the bottom line.

Mr. Moore feels the money that is being placed in the Capitol Improvements Fund is necessary. He feels we need this fund. There should be a minimum of 15% of the yearly budget in this account to take care of unforeseen expenditures. We have this now and should continue to have it. We never know when Richmond will place a \$5/ton fee on the landfill. This was not approved this year but Mr. Moore feels it will probably come up again next year. He also feels that the employees of the Sheriff's Department do not make enough but the Compensation Board sets the raises for them and this year the State is reneging and he does not feel the citizens of the County should pick up what is lagging from the State itself. The Board is setting a precedent and he hates to set precedents.

Mr. Hancock has mixed feelings. He is in favor of keeping the tax rate at \$.66. He feels that the farmers and senior citizens of the County cannot afford to have the tax rate set any higher.

Mr. Carter feels no one likes to cut anything from the budget, but the Board is saddled with this. We have to do what is in the best interest of County and everyone concerned. The biggest portion of the budget is education. Everyone knows that education is the #1 investment of any County. There is a fine line in making a sound and solid decision in order to maintain the quality of life that we are experiencing but we also need to move forward. He endorses the \$.66 tax rate and also the projects that have been included in the budget for FY2003.

Mr. Moore made a motion seconded by Mr. Carwile to adopt the FY2003 Budget as presented.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. Business Appreciation Week Proclamation: The Commonwealth of Virginia has declared the week of May 12 - 18, 2002 to be Business Appreciation Week, a time to emphasize the importance of our existing employers to the economic and social well-being to our

state and local communities.

PROCLAMATION

Business Appreciation Week 2002

WHEREAS, Appomattox County is please to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Appomattox County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, these businesses also make significant contributions in our communities to promote a variety of activities which increase the quality of life of the area; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we the Appomattox County Board of Supervisors, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that the businesses of Appomattox County are exemplifying this year's theme of "Tradition and Innovation: Powering Virginia",

AND, FURTHER, that the week of May 12 - 18, 2002 is Business Appreciation Week in Appomattox County.

4. Community Services Board Resolution: Augustine J. Fagan, Executive Director of Community Services Board has sent a resolution to the Board requesting reauthorization of the original resolution approved on December 7, 1998.

Mr. Moore is a member of the CSB and gave the Board information regarding this resolution.

Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the Resolution with the Community Services Board as presented.

WHEREAS, Central Virginia Community Services Board is a governmental entity created pursuant to the provisions of Chapter 10 of Title 37.1 of the Code of Virginia (Section 37.1-194 et seq.), pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, mental retardation, and substance abuse services; and

WHEREAS, Section 37.1-197 (11) allows Chapter 10 Boards such as Central Virginia Community Services Board to obtain loans as authorized by the governing bodies of the

political subdivisions that established it; and

WHEREAS, the Board of Directors of Central Virginia Community Services Board found it in the best interest of Central Virginia Community Services Board to purchase two office buildings, one located at 2241 Langhorne Road, Lynchburg, Virginia and the other at 2235 Landover Place, Lynchburg, Virginia; and

WHEREAS, in order to purchase both properties, Central Virginia Community Services Board obtained a loan from One Valley Bank-Central Virginia in the amount of \$1,800,000 on the terms set forth in the November 18, 1998, commitment letter; and

WHEREAS, prior to obtaining the \$1,800,000 credit line loan from one Valley Bank-Central Virginia pursuant to the provisions of Section 37.1-197(11) of the Code of Virginia, 1950, as amended, Central Virginia Community Services Board petitioned the Board of Supervisors of the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Lynchburg and Bedford, and in December, 1998 and January, 1999 did obtain each governing bodies authorization to borrow the \$1,800,000 to purchase properties on the terms of the November 18, 1998, commitment letter, and

WHEREAS, one term or condition of the November 18, 1998 commitment letter was that Central Virginia Community Services Board would give a first deed of trust lien on the two office buildings parcels being purchased, plus a lien on the Arise Residential Treatment Center property owned by Central Virginia Community Services Board located on Route 221 in Forest, Virginia (the "Arise Residential Center Property"); and

WHEREAS, pursuant to the relocation of the Arise Residential Center programs to the Courtland Building in Lynchburg, Virginia, the Arise Residential Center Property has been sold by Central Virginia Community Services Board and is no longer available as collateral to secure the \$1,800,000 credit line loan; and

WHEREAS, Branch Banking and Trust Company of Virginia, the successor by merger to One Valley Bank-Credit Virginia, N.A., and Central Virginia Community Services Board desire to amend the terms of the existing \$1,800,000 credit line loan by Central Virginia Community Services Board giving as substitute collateral for the Arise Residential Center Property certain property owned by Central Virginia Community Services Board located at 2420 Woodrow Street, Lynchburg, Virginia, being the location of "Hudson House" (hereinafter "Hudson House Property");

WHEREAS, Central Virginia Community Services Board has petitioned the Appomattox County Board of Supervisors to obtain re-approval of the existing \$1,800,000 loan on the same terms, except for the substitution of the lien on the Hudson House Property for the lien on the Arise Residential Center Property.

THEREFORE, BE IT RESOLVED that the Central Virginia Community Services Board is hereby re-authorized by the Appomattox County Board of Supervisors to continue to

borrow up to \$1,800,000 in loans from Branch Banking and Trust Company of Virginia on the same terms of the November 18, 1998 commitment letter, except that Central Virginia Community Services Board shall grant to Branch Banking and Trust Company of Virginia a credit line deed of trust lien on the Hudson House Property in lieu of a lien on the Arise Residential Center Property.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. Revenue Maximization Agreement: The Board has received a contract for consideration concerning the recovery of monies previously spent by localities through the Community Services Board. Each locality is eligible to receive federal reimbursement for these funds and the purpose of this contract is to establish the mechanism to collect these federal dollars and continue to recoup these costs.

After some discussion, Mr. Moore made a motion seconded by Mr. Kendrick to accept this contract as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick aye; and Mr. Carter, aye.

6. Biosolids: The Board at an earlier meeting expressed a wish to include the following changes in the biosolids ordinance: 1) increased setback from streams and 2) restrictions for the land application of biosolids during drought conditions (drought conditions will need to be defined).

Mr. Kendrick stated the two proposed changes should be left as currently written. The change that needs to be made is in the way it is written. It excludes the crop farmers, which was not our intention. It almost reads as if it only applies to livestock farmers. We need to instruct our attorneys to reword this so as not to exclude these areas.

Mr. Kendrick made a motion seconded by Mr. Carwile to instruct our attorneys to reword the Biosolids Ordinance to include the above changes and also to include crop farmers. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

7. Real Estate Tax Collection date: After discussion with the Commissioner of Revenue and the Treasurer regarding the reassessment process requiring more time than anticipated, the June 5th deadline for collection of taxes will need to be changed. Mr. Carroll has proposed that the Board postpone the collection date from June 5th to Tuesday, June 25th, 2002 to accommodate the delay caused by the reassessment.

Mr. Moore made a motion seconded by Mr. Carwile to postpone the collection date for Real Estate Taxes from June 5th to Tuesday, June 25th, 2002 due to the reassessment process. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

8. Planning Commission Recommendations: The Planning Commission has recommended approval of Petition #02-500 - Gleaning for the World, Inc. & Clayton C. Bryant for a

Conditional use permit for warehouse and office space per §170-47(A)(27) of the Appomattox County Zoning Ordinance. Property is located on Rt. 609 between US 460 West and Rt. 608, Tax Map #60(8)6, and is zoned B-1.

Mr. Carwile made a motion seconded by Mr. Hancock to accept the recommendation of the Planning Commission to approved **Petition #02-500 - Gleaning for the World, Inc. & Clayton C. Bryant** as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

9. Good Samaritan Clothing Exchange: St. Anne's Episcopal Church has requested use of the space under the health department for use as a clothing exchange. They are requesting the use of the space rent free and on a temporary basis.

Mr. Carroll has suggested that the following conditions be applied: 1) St. Anne's must provide insurance coverage and the county be listed as a second insured. 2) the exchange have specified hours of operation that are approved by the Board, and 3) that it be emphasized that the use of this space is only temporary in nature and that it would be appropriate for the exchange to continue to evaluate other locations.

Discussion centered around the fact that this was a good service to the citizens and along with the conditions suggested by Mr. Carroll the following conditions also be applied. 4) anyone who occupies a facility should be able to maintain the facility. 5) Determine who will be responsible for the water, sewer and electric bills. 6) The County will give a 30 day notice to the Exchange when space is needed by County.

Mr. Kendrick made a motion seconded by Mr. Hancock to table this issue until we can get a Memorandum of Understanding from St. Anne's. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

The next item for consideration was the **CONSENT AGENDA: (items 10-20)**

10. Approval of Bills: approval of bills as presented.
11. Minutes: Minutes of Public Hearing on January 22, 2002; Regular Meeting of March 4, 2002; Budget Work Sessions of March 9, 2002; Recessed Budget Work Shop of March 11, 2002; Budget Work Sessions of March 11, 2002; March 16, 2002; Special Called Meeting, Regular Meeting and Public Hearing of March 18, 2002; Special Called Meeting of March 19, 2002; and Budget Work Session of March 26, 2002.

BOARD ACTIONS:

12. **Festival Permit:** The Appomattox Lion's Club has submitted a festival permit application for its Food Festival on May 17, 2002 at Paradise Lake. They request that both fee and bond requirement be waived.
13. **Fire Department Request:** The Appomattox Volunteer Fire Department has requested

permission to excavate and remove approximately 1,000 cubic yards of soil from the landfill for use as fill material for their new building. The fire department will be responsible for all hauling and loading. Ms. Rockefeller feels that this will not impair future landfill operations.

14. **Memorial for Charles Thomas Moses, Jr.** The Board has received information previously regarding this project. Mr. Wayne Phelps has stated that this project will be completed at cost with no profit to him and this project is acceptable with the American Legion.
15. Law Library Appropriation: Please appropriate \$343.39 for expenses during the month of March 2002.

LINE ITEM TRANSFERS:

16. Treasurer: Request transfer of \$225.01 from 3010 -Data Processing to 7002 - Furniture/Fixtures/Computer.

SUPPLEMENTAL APPROPRIATIONS:

17. Library: Please approve supplemental appropriations as requested:

7301-5415 - Summer Reading	Add: \$21.90 (donations)
7301-5401 - Office Supplies	Add: \$250.52 (copies, faxes, etc.)
7301-5840 - Special Library Fund	Add: \$490.93 (fines, sales, etc)
18. Building & Housing: Please approve supplemental appropriation in the amount of \$116.00 to 3401-5411 Code Books to reflect payments received from contractors purchasing these books from Building & Housing office.
19. Landfill: Please supplement 4204-3004 - Repair & Maintenance by \$5,903.01 to reflect an insurance payment for vehicle damage to the loader.
20. Sheriff's Office: Please approve supplemental appropriation requests as follows:

3102-7001 - Equipment - \$488.00 (monies received from American Legion for (2) AED's and training).
3102-5408 - Vehicle Power Equipment Supplies - \$241.75 (restitution for damage to vehicles from Quentin Petty.)
3102-1002 - Regular Overtime - \$70.47 (after-school activities at Appomattox Middle School)
3102-1002 - Regular Overtime - \$253.03 (after school activities as Appomattox High School)

Mr. Carter stated that in regards to **item 14 - Memorial for Charles Thomas Moses, Jr.** that Mr. Carwile had done an excellent job working on this project and the Board appreciated the time and effort he had put into getting this project done.

Mr. Kendrick also commended Mr. Carwile on a job well done. This is a very worthy cause and Mr. Carwile approached it in a worthy manner.

Mr. Carwile had a question regarding **Item 13 - Fire Department Request**. He knows that the landfill needs soil of a certain consistence for coverup and hopes that the 1,000 cubic yard will not be taken from these sources.

Mr. Carter asked if there were any further discussion on the Consent Agenda.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then called attention to the **Information Items (items 21-25)**:

21. Monthly School Financial Report: Report for June 2002
22. Landfill Inspection Report: Inspection Report for February 27, 2002.
23. Virginia Tobacco Indemnification and Community Revitalization: Approval of the Board's request to complete a study regarding the possible establishment of an Appomattox Workforce Training Center. We will resubmit request for funds for water study.
24. VDOT letter: Letter from Commissioner Philip Shucet concerning funding for VDOT.
25. The Smarter Region Newsletter: April 2002 edition of newsletter.

Mr. Carter called for discussion on items 21 - 25. Hearing none, he called for the next item.

26. Supervisor Concerns:

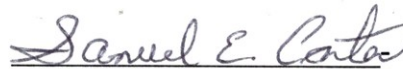
Hearing no Supervisor Concerns, Mr. Carter reminded the Board of upcoming meetings:

Tuesday, May 14, 2002 at 7:30 a.m. - Business Appreciation Breakfast

Monday, May 20, 2002 at 6:30 p.m. - Regular Board Meeting

Monday, June 3, 2002 at 6:30 p.m. - Regular Board Meeting

At 8:20 Mr. Kendrick made a motion seconded by Mr. Carwile to recess the meeting until Wednesday, May 8, 2002 at 6:30. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.



Samuel E. Carter, Chairman

At 6:30 p.m. on Wednesday, May 8, 2002 the Appomattox County Board of Supervisors reconvened a recessed meeting from May 6, 2002 at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va. 24522

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator
Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
Lee Byrd, Attorney - Sands, Anderson, Marks & Miller
Hal Craddock - Craddock-Cunningham Architectural Partnership

At 6:32 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated that a closed session was necessary to discuss a legal issue - Courthouse litigation.

At 6:33 p.m. Mr. Carwile made a motion seconded by Mr. Moore to go into closed session in order to discuss matters exempt under section §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel on Courthouse litigation. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:27 p.m. on a motion by Mr. Moore seconded by Mr. Kendrick the Board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following Certifying Motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A. 7, Of the Code of Virginia for the purpose of legal consultation regarding Courthouse litigation.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

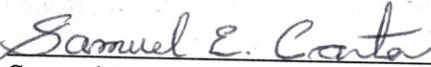
Mr. Carter asked there was any action to be taken as a result of the closed session.

With regrets Mr. Kendrick made a motion to reject the recommendation of the joint architectural

plans. Mr. Moore seconded this motion. ROLL CALL VOTE: Mr. Kendrick, aye; Mr. Moore, aye; Mr. Carwile, nay; Mr. Hancock, nay; and Mr. Carter, aye.

Mr. Carter asked if there was any other business to be discussed.

At 8:30 p.m. Mr. Hancock made a motion seconded Mr. Kendrick to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, May 20, 2002 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va. 24522

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H Moore - Piney Mountain District

ABSENT: Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator
Brandon Stidham - County Planner.

At 6:32 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter then called Mr. Don Austin, Resident Engineer, VDOT to address the Board. Also, the Resolution pertaining to the revenue sharing funds for Country Haven Estates will need to be considered tonight.

Mr. Austin began by stating the impact the state's budget would have on the county's six year plan. The only impact on our primary system will be David's Creek bridge on Route 60.

The secondary system will be cut by 43% in FY02-03. There will be an average cut of approximately 36% over the next 6 years.

Route 641 will be pushed out or may be split between the town and county portions.

Route 608 project which was just entering the design stage will be stopped completely.

Route 652 the unpaved road is on the advertisement for October/November and will be postponed until early spring.

The new addition money will stay. Mr. Austin stated he will report to the Board again in June and discuss the Six Year Plan at that time.

Mr. Austin also informed the Board that the Route 29 Bypass from Madison Heights to Campbell County will be funded.

Mr. Austin informed the Board of the need to re-appoint the Road Viewers in June and have them sworn in by July.

Mr. Carter asked for a motion to adopt the following Resolution for revenue sharing funds in Country Haven Estates.

Resolution

WHEREAS, the property owners residing in Country Haven Subdivision located in Stonewall Magisterial District have requested the Virginia Department of Transportation to provide an estimate for the construction of 0.62 mile of Chestnut Mountain Drive from the end of state maintenance Route 750 (1.80 miles west Route 611) to the Appomattox/Campbell County line, to the requirements of the Virginia Department of Transportation and

WHEREAS, The Virginia Department of Transportation has provided an estimate for the cost for said subdivision street and the affected property owners have donated through the county \$48,000.00 fifty (50) percent of the estimate.

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation hereby is requested to add to the Appomattox County Secondary Road System for construction and maintenance the following section of road in accordance with Section 33.1-72.1, paragraph C, of the Code of Virginia of 1950, as amended.

Name of Street: Chestnut Mountain Drive
 From: 1.80 Miles West Route 611 (End State Maintenance Route 750)
 To: Campbell County Line
 Length: 0.62 miles

BE IT FURTHER, RESOLVED, that this board does guarantee a minimum of fifty (50) foot right of way with additional widths as may be necessary for cuts, fills and drainage, together with easements for drainage on adjacent properties.

Mr. Carwile made a motion to adopt the above Resolution on revenue sharing funds in Country Haven Estates. Mr. Hancock seconded. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Austin discussed the County's secondary portion of the 911 signs. The primary money for these signs has not been funded at this time. He thinks the funds will be available sometime soon. Does the County want to go forward with this project and be reimbursed by VDOT when the funds are available? This will be discussed again at the June meeting.

Mr. Carter thanked and excused Mr. Austin.

Mr. Carter called Mr. John Wilson with the Appomattox Tourism Volunteers to address the Board.

Mr. Wilson passed out some information and gave his presentation on the update of the activities of his group. Mr. Wilson thanked the Board for their support. The brochures are expected to be ready for mailing sometime within the next few days. They have also mailed computer generated brochures to motor coach tour companies and also some school groups. These groups had already scheduled trips to the National Park and were interested in the history that surrounds Appomattox.

The Information Center located downtown has had an above average number of visitors so far this year.

Mr. Carter thanked Mr. Wilson for their efforts and the update.

At 7:00 p.m. Mr. Carter stated there would be a short recess.

At 7:04 p.m. Mr. Carter reopened the meeting and stated at this time there would be a Joint Public Hearing with the Appomattox County Planning Commission.

PRESENT: (Planning Commission)

Al Sears
Kevin O'Brien
Calvin Tanner
Jerry Hughes
Steve Conner
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

Mr. Carter stated that the public hearing was not the proper place for asking questions or engaging in discussion on the petitions. Only those arguing for or against the petition will be permitted to speak and any questions or discussion will take place during the Planning Commission meeting, which is held in the Jury Room, immediately following the public hearing. Anyone wishing to speak for or against the petition should approach the microphone and state

their name and address for the record.

Mr. Carter turned the Public Hearing over to Mr. Stidham.

Mr. Stidham read the first petition:

02-502 - James M. & Deborah L. Purcell. Conditional use permit to operate an auto repair shop per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Route 716 between Route 644 and Dead End, Tax Map #118(1)1, and is zoned A-1 Agricultural.

Mr. Stidham called for comments for this petition.

Mr. Michael Berry of HC16BB, Red House came forward and stated he admired the Purcells for trying to start a business but he doesn't feel it is appropriate for the agricultural area. A business of this type would be detrimental to property values and ecological concern. The property is already a little bit of an eyesore and the noise is already higher than he would like. He is concerned about the hours of operation, they already hear racing motors into the evening hours. He is also concerned about runoff of oils, etc. to his bored well and pond. How would these materials be contained? Why should they have to endure a business of this type in an agricultural setting?

Hearing no other comments, Mr. Stidham read the next petition

02-503 - Alexandra R. Glover: Conditional use permit to operate a group home per §170-37 of the Appomattox County Zoning Ordinance. Property is located on Route 654 between Rt. 615 and Rt. 736, Tax Map #13(A)24, and is zoned R-1 Residential.

Mr. Stidham called for comments for or against this petition.

Ms. Alexandra Glover, P.O. Box 237, Appomattox, Va came forward and introduced Ms. Lisa Readley of 138 Rockwell Road , Lynchburg, Va. as the lady that would be helping her with this project. Mr. Glover stated that this house is actually her residence. She lives there now. She would like to turn it into a group home for the mentally retarded. The residents are mildly retarded. They can all function on their own, they would not have any severe behavior problems. The property would be fenced in and the doors would have alarms.

Ms. Readley stated these residents are not mentally ill. They do work and have activities. They are more likely to be considered individuals with handicaps.

Mr. Stidham called for other comments on this petition. Hearing none, he turned the meeting back to Mr. Carter.

At 7:12 p.m. Mr. Carter closed the Joint Public Hearing and declared a short recess.

At 7:17 p.m. Mr. Carter reopened the Meeting and called for the **ADMINISTRATIVE ITEMS:**

(ITEMS 1 - 4)

1. Proposed Ordinances: Previously the Board had discussed the desire to explore three ordinances allowed by the General Assembly: Conviction fee (\$5.00), Jail processing fee (\$25.00), and increase in certain parking fines (\$50.00). The Board will need to hold a public hearing in regards to these ordinances and the first two must be approved prior to July 1, 2002.

After some discussion, by consensus of the Board, a Public Hearing will be held on June 3, 2002 at 6:30 p.m. to receive comments on the above ordinances.

2. Joint Water Study:
 - 1) Draft Joint Water Study RFP: The draft RFP for this project to be conducted jointly with the Town of Appomattox, has been prepared. The Board will need to hold a joint meeting with the Town Council of Appomattox to discuss the scope of work included in the RFP and other issues related to this matter.
 - 2) Tobacco Grant: The grant application has been submitted for funds to perform the water study. The requested funds (\$25,000) represents funds from the original grant that is currently undesignated.

After some discussion, it was the consensus of the Board to move forward with the RFP on the Joint Water Study. Also the Board of Supervisors will meet with the Appomattox Town Council at 8:00 a.m. on either June 15th or 22nd at Town Council Chambers.

3. Biosolids Coalition: Memo has been received from Shannon Varner, Troutman Saunders LLP requesting the Board to consider continuing its participation in the coalition for the coming year as the biosolids issue is studied by the Commission on the Future of Virginia's Environment. Is the Board interested in getting more specific information concerning the costs and strategy of this issue.

Mr. Carwile questioned what, if any, impact this group has had to this point.

After discussion, Mr. Carroll was asked to collect more information on this and to possibly have Mr. Varner speak to the Board after reviewing this information.

4. Elementary School Committee: Mr. Earl Pickett, Chairman of this committee has asked for a meeting of the School Board, Board of Supervisors and this Committee to discuss the "vision" that the respective boards have for the property. A meeting date of June 4th at 7:00 p.m. as been suggested.

Mr. Hancock suggested that there be a round table discussion to find out what the School Board wants and what the Board of Supervisors want.

Mr. Moore stated he does not want this building to be a burden to the tax payers.

A meeting date of June 4th at 7:00 p.m. at the Elementary School site was agreed upon.

CONSENT AGENDA: (Items 5-8)

5. Approval of Bills: Approval of bills as presented.

BOARD ACTIONS:

6. Social Services Budget: The Appomattox County Department of Social Services has submitted it's FY 2003 budget with an overall increase of \$34,749 with only \$2,675 of this being local funds. Approval of the Consent Agenda will authorize the County Administrator to certify the appropriation of funds as currently budgeted and write a letter stating the Board's intention to supplement the remaining funds in July.
7. Landfill: At an earlier meeting, the Board was informed that the dumpster site improvements budgeted for this years was bid out and the cost had exceeded the budget amount of \$27,000.00. The staff has worked with the two bidders and one has agreed to perform the proposed improvements within the budget if the improvements at the Vera site are not performed. Depending upon the completion date of the project, funds from the current fiscal year may need to be carried forward into the next budget year if approved. Approval of the consent agenda will authorize the County Administrator to sign the contract to perform these improvements.

SUPPLEMENTAL APPROPRIATIONS:

8. **Landfill:** Supplement 4204-3004 Repair & Maintenance by \$1,399.00 to reflect an insurance payment received.

Mr. Moore made a motion seconded by Mr. Hancock to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter then called the Board's attention to the **INFORMATIONAL ITEMS:** (Items 9 - 12)

9. VACo Request: VACo has requested that counties submit legislative issues they wish considered for the upcoming Legislative Program by July 2, 2002. Staff will begin to compile possible legislative initiatives for Board consideration at the June 3rd meeting.
10. Town of Appomattox Agenda: Agenda for meeting held on May 13, 2002.
11. House Joint Resolution 172: Resolution concerning internet privacy standards that the General Assembly would like for localities to use on their respective websites.
12. United Way I&R: Information provided by the I&R concerning the various types of referrals they issued for Appomattox citizens of the past quarter.

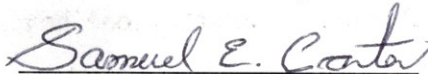
Mr. Carter next asked for **Supervisor Concerns:**

Mr. Carwile has been receiving questions for which he has no answers. He is requesting the

Board be provided with an itemized list of bills for attorneys for the Courthouse and a separate list of bills for biosolids. Also would like to have any outstanding bills for the Courthouse. He feels all the Board members would like this information.

Hearing no other concerns, Mr. Carter called for a motion to adjourn.

At 7:54 p.m. Mr. Hancock made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, June 3, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va. 24522.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District (arrived at 6:39 p.m.)
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
Dan Siegel, Attorney - Sands, Anderson, Marks & Miller
Lee L. Byrd, Attorney - Sands, Anderson, Marks & Miller

At 6:38 p.m. Mr. Carter called the meeting to order and gave the invocation.

At 6:39 p.m. Mr. Carter stated there would be a Public Hearing to receive comments on three proposed ordinances and proposed amendments to the Appomattox County Code. Anyone wishing to comment should approach the microphone, give thier name and address for the record, address the Board, and not the audience. The Board of Supervisors will not respond to questions at this time but will note any questions raised during the public hearing and give consideration to these in making its final decision.

Mr. Carter read the first proposed Ordinance.

Chapter 147 Taxation Article XVIII §64 Assessment of Conviction Fees: Impose fee of five dollars (\$5.00) per criminal case upon any individual convicted in either the General District or

Circuit Court.

Mr. Carter called for comments. Hearing none, he read the next proposed ordinance.

Chapter 147 Taxation Article XVIII §65 Assessment of Jail Processing Fee: Impose fee of twenty-five (\$25.00) upon any individual admitted to the Appomattox County Jail following conviction.

Mr. Carter called for comments. Hearing none, he read the last proposed ordinance.

Chapter 162 Vehicles and Traffic Article I §5: Increase fine to fifty dollars (\$50.00) for conviction of parking in restricted areas.

Mr. Carter called for comments.

Mr. John Wilson, Church Street, Appomattox, VA came forward. What is the definition of restricted areas? Does this include No Parking zones? Also who would enforce the ordinance?

Hearing no further comments, Mr. Carter declared the Public Hearing closed at 6:44 p.m.

Mr. Carter stated the need for a closed session in accordance with §2.2-3711.A.7 of the Code of Virginia to discuss legal matters concerning Courthouse litigation and contract with Country Haven Estates.

Mr. Moore made a motion seconded by Mr. Kendrick to enter into closed session to discuss legal matters, namely, Courthouse Litigation and Contract with Country Haven Estates in accordance with §2.2-3711.A.7 of the Code of Virginia.

Mr. Ron Brown and Mr. Marvin Hamlette, members of the press, stated their objection on the record to entering closed sessions for discussion of Courthouse litigation.

At 6:45 p.m. Mr. Carter called for a vote on the motion for the Board to enter into closed session.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:24 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to return to regular session.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following Certifying Motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711.A.7, Of the Code of Virginia for the purpose of discussing a legal matter.

And whereas, no member has made a statement that there was a departure from the

lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called for action on the **ADMINISTRATIVE ITEMS:** (Items 1-4)

1. Action from Closed Session: Mr. Carter asked if there was any action to be taken as a result of the closed session.

Mr. Kendrick made a motion seconded by Mr. Moore to Accept the Memorandum of Understanding between the Board of Supervisors and Country Haven Estates subject to approval by legal counsel.

**MEMORANDUM OF UNDERSTANDING BETWEEN
APPOMATTOX COUNTY
AND COUNTRY HAVEN ESTATES HOMEOWNERS ASSOCIATION
FOR PAYMENT OF ROAD IMPROVEMENT EXPENSES**

This Agreement is made the _____ day of _____, 2002 by and between Appomattox County ("County") and Country Haven Estates Homeowners Association ("Association").

WHEREAS, Chestnut Mountain Road in Country Haven Estates has been accepted by the Virginia Department of Transportation (VDOT) for rural addition and maintenance; and

WHEREAS, construction costs in excess of the originally estimated cost have been incurred in the amount of \$60,216.60 ("Additional Construction Costs") to construct a portion of Chestnut Mountain Road to state standards; and

WHEREAS, the Association has agreed to pay a portion of this construction project.

NOW, THEREFORE, the parties do hereby agree as follows:

1. The Association shall pay the sum of \$29,216.60 ("Association Payment") to Appomattox County by June ___, 2003 ("Due Date").
2. In the event that VDOT requires payment of the Additional Construction Costs prior to June ___, 2003, the County shall pay VDOT the required amount and the Association shall reimburse the County for the amount so paid up to the amount of the Association Payment. In the event that the Association does not pay such amount to the County within five (5) days following demand therefor, the amount shall accrue interest at an annual percentage rate of three percent (3.00%).

3. Payment to the County of the Association Payment shall be delivered on or before the Due Date to the County Administrator's Office in the form of a cashier's check (made payable to Appomattox County) or money order.
4. In the event that the Association Payment is not received by the County Administrator's Office within ten (10) business days of the Due Date, a late fee of \$10.00 per day beyond the tenth business day that the payment is late shall be added to the outstanding balance and interest from the Due Date shall continue to accrue at the rate of three percent (3.00%) per annum on the original principal amount of \$29,216.60.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. Fiscal Year 2003 Appropriations Resolution: The Appropriations Resolution for FY2003 needs to be adopted.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the Appropriations Resolution for the Fiscal Year 2003 as presented:

COUNTY OF APPOMATTOX
APPROPRIATIONS RESOLUTION
FISCAL YEAR 2003

BE IT RESOLVED that the Board of Supervisors of Appomattox County, Virginia, hereby appropriates for the Fiscal Year commencing July 1, 2002 and ending June 30, 2003, from the funds, for the functions, and in the amounts indicated herein:

I. General Fund

1101	Board of Supervisors	421,270.00
1201	County Administrator	258,837.00
1204	County Attorney	35,000.00
1206	Independent Auditor	28,500.00
1209	Commissioner of Revenue	248,645.00
1210	Assessor/Reassessor	0.00
1211	Board of Equalization	1,750.00
1213	Treasurer	208,919.00
1301	Electoral Board/Officials	31,342.00
1302	Registrar	61,410.00
2101	Circuit Court	14,775.00
2102	General District Court	2,892.00
2105	Juvenile/Domestic Relations Court	4,404.00
2106	Clerk of Circuit Court	59,052.00
2107	Sheriff(Civil Server)	50,614.00
2109	Court Services Unit	31,832.00
2130	Magistrate	1,250.00
2201	Commonwealth Attorney	176,890.00
2220	Witness Advocate Grant	22,910.00
3102	Sheriff	1,414,523.00
3103	Sheriff (Town Police)	80,000.00
3104	Sheriff/Grant	68,626.00
3106	DARE	10,212.00

3203	Volunteer Fire Departments	136,134.00
3203	Volunteer Rescue Squads	19,900.00
3204	Forestry Service	7,300.00
3301	Sheriff/Jail	168,530.00
3401	Office of Building and Housing	45,962.00
3501	Animal Control	66,833.00
3503	Medical Examiner	500
3605	Emergency Services	4,450.00
3606	E-911	329,000.00
4101	Road Viewers	125
4203	Refuse Collection	123,252.00
4204	Refuse Disposal	496,414.00
4206	Litter Grant	7,000.00
4207	Recycling	28,105.00
4208	Tire Security	16,196.00
4302	General Properties	2,803,752.00
5101	Local Health Department	104,513.00
5105	Central Va Commission on Aging	5,600.00
5202	Central Va Community Services	32,716.00
5301	Social Services	4,507.00
5302	State Local Hospitalization	4,692.00
5310	Comprehensive Services	146,000.00
6401	Central Virginia Community College	20,201.00
7102	Parks & Recreation Department	120,803.00
7104	Community Center	0.00
7109	Contributions	17,250.00
7301	Public Library	133,180.00
8101	Planning (CVPDC)	6,168.00
8104	Zoning	60,504.00
8105	Economic Development	134,000.00
8106	Chamber of Commerce	13,000.00
8111	Board of Zoning Appeals	1,910.00
8112	Plannig Commission	10,600.00
8203	Robert E. Lee Soil and Water Conservation	10,000.00
8303	Extension Services	42,394.00
II.	Capital Improvement Fund (Uncommitted)	700,000.00
III.	Virginia Public Assistance Fund	1,051,658.00
IV.	School Operating Fund	15,850,905.00
	School Cafeterial Fund	940,290.00
	School CIP fund	0.00
	School Special Project Funds	0.00

BE IT FURTHER RESOLVED, that the County Treasurer be, and is hereby, authorized to transfer from the General Revenue Funds pursuant to this Resolution, as monies become available, and from time to time to meet the expenditures for amounts appropriated sums equal to, but not in excess of, the appropriations indicated for transfer, as Transfer to Schools (Operation) and Transfer to Department of Social Services for the period covered by this Appropriation Resolution. Other inter-fund transfers shall be in accordance with the direction of the Board of Supervisors.

Adopted: 3-Jun-02

Darrell A. Carroll Jr.
County Administrator

Mr. Carwile had a question regarding 1204 - Legal Fees.
Mr. Carroll answered his questions to his satisfaction.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. **Planning Commission Recommendations:** The Planning Commission has made the following recommendations from the May 20, 2002 meeting:

02-502: James M. & Deborah L. Purcell: Conditional use permit to operate an auto repair shop per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Route 716 between Rt. 644 and Dead End, Tax Map #118(1)1, and is zoned A-1, Agricultural.

Planning Commission recommends approval with conditions in addition to those proffered by the petitioners:

1. Plant staggered row of Leyland cypress trees along the road frontage between the entrance to the proposed building site and the silo on the petitioner's property. Confirm that trees have been planted within thirty (30) days of approval of conditional use permit. Trees must be maintained for the duration of the permit.
2. No business signs are permitted.
3. The conditional use permit is not transferable to any other property owner.
4. No inoperable vehicles may be stored outside the buildings.
5. No engines will be run after 6:00 p.m. on weekdays, 1:00 p.m. on Saturdays, or on Sundays.
6. Gravel entranceway and parking lot must be maintained to avoid mudholes and ruts.
7. No employees may be hired.

02-503: Alexandra R. Glover: Conditional Use Permit to operate a group home per §170-37 of the Appomattox County Zoning Ordinance. Property is located on Rt. 654 between Rt. 615 and Rt. 736, Tax Map #13(A)24, and is zoned R-1 Residential.

Planning Commission recommends approval of the conditional use permit with conditions in addition to those proffered by the petitioner.

1. No more than four (4) residents are permitted.
2. The conditional use permit is not transferable to any other property owner.

Recycling Ordinance Request: The Planning Commission recommended the Board of Supervisors implement the proposed manned disposal site program as outlined in a report prepared by Alice Rockefeller. This recommendation is in response to the Board's request that the Commission prepare a recycling ordinance. It is the Commission's opinion that their recommended course of action be pursued in lieu of developing an ordinance.

Mr. Carwile had some questions regarding the Recycling Ordinance Request. He would like some additional figures regarding payback. This information should be available no later than the July meeting.

There was a short discussion regarding this issue.

Mr. Moore made a motion seconded by Mr. Kendrick to accept the Planning Commission's recommendations to approve **Petition 02-502 - James M & Deborah L. Purcell and Petition 02-503 - Alexandra R. Glover** with additional conditions and proffers. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carwile made a motion seconded by Mr. Kendrick to table the recommendations on the Recycling Ordinance until the July meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Biosolids Ordinance: The amendments to the Biosolids Ordinance as previously requested by the Board has been presented. If these proposed changes are agreeable with the Board, a public hearing could be scheduled for June 17, 2002.

Mr. Kendrick made a motion seconded by Mr. Carwile to hold a public hearing on June 17, 2002 on the proposed changes to the Biosolids Ordinance. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Consent Agenda:** (Items 5-9)

5. Approval of Bills: Approve bills as presented.

BOARD ACTIONS:

6. Eternal Flame Memorial: The American Legion Post 104 would like to replace the existing flat profile stone currently at the base of the eternal flame with a memorial similar to the one placed in honor of Mr. C. T. Moses. This project will not involve any County funds.
7. Festival Permit: Stonewall Vineyards has submitted a festival permit and fee for proposed festivals to be held on June 8th and June 22nd. They have also requested that the bond be waived as in the past.
8. Local Law Enforcement Block Grant: Federal funds are available to localities for help in their effort to reduce crime and improve public safety. A grant in the amount \$1,461 is available with a matching local input of \$162 for a total of \$1,623. Does the Board wish to authorize the County Administrator to sign this grant.

LINE ITEM TRANSFERS:

9. Legal Fees: Please transfer \$50,000 from 1101-8003 IDA Note-2000 to 1204-3002

Professional Services to cover costs associated with courthouse litigation.

Also the School Board has requested a supplemental appropriation of \$71,020.56 to reflect additional monies received over and above the budgeted Federal amount for the current year.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the Consent Agenda as presented with the addition of the request from the School Board.

Mr. Carwile would like to know when the School Board had knowledge of the receipt of these additional monies.

Mr. Carroll stated that according to the information received, these monies were received in March and May.

Mr. Carter called for a vote on the motion currently on the floor. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called attention to the **Informational Items:** (Items 10-12)

10. Courthouse Proposal: Mr. John Wilson has presented a proposal for the use of the current Courthouse should the Board determine to construct a new courthouse on a different site.

The members of the Board all complimented Mr. Wilson on his proposal and appreciate the citizen's input.

11. CVCC Workforce Letter: Mr. Darrel Staat, President of CVCC has notified the Board that the General Assembly has approved funding for the construction of Manufacturing Building so that CVCC can continue its work of developing our region's workforce.
12. School Board: Dr. Krug, School Superintendent, has submitted two items from the School Board: 1) a letter and school budget. Supplemental appropriation requested will be on the July 1st agenda; 2) July appropriation and monthly financial report.

Mr. Carter next called for **Supervisor Concerns:** No one had any concerns to present at this time.

Mr. Carter then briefly went over the list of upcoming meetings:

June 4, 2002 - Meeting with AES Committee & School Board
AES Library
7:00 p.m.

June 11, 2002 - Economic Development Summit
Carver-Price Cultural Center
5:00 p.m.

June 22, 2002 - Meeting with Appomattox Town Council- Re: Joint Water Study

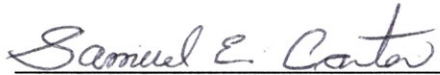
Town Council Office
8:00 a.m.

June 17, 2002 - Regular Board Meeting - 6:30 p.m.

July 1, 2002 - Regular Board Meeting - 6:30 p.m.

Mr. Carter read an invitation from the Pamplin Volunteer Fire Department inviting the Board members to attend an Open House celebrating their 50th anniversary on Sunday, June 16, 2002 from 2 to 4 p.m.

At 8:48 Mr. Kendrick made a motion seconded by Mr. Moore to recess to the meeting with the AES Committee & School Board on June 4, 2002 at 7:00 p.m. at the AES Library. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Tuesday, June 4, 2002 at 7:00 p.m. the Appomattox County Board of Supervisors met with the Appomattox County School Board and the Appomattox Elementary School Committee at the Appomattox Elementary School on Confederate Boulevard, Appomattox, Va.

PRESENT (Board of Supervisors):

Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
John Spencer - Assistant County Administrator

PRESENT (School Board):

Earl Pickett
Bobby Mitchell
Lannis Selz
Clifford Rhodenizer
Amy Martin

ALSO PRESENT:

Walter Krug, School Superintendent
Billy Perrow
Matt Lair
Bobby Waddell

PRESENT (AES Committee);

Darlene Reed
June Chenault
Fred Lawson
Martha Pankey
Blair Smith
Pat Torrence
John Wilson
Carolyn Wooldridge

ABSENT (AES Committee):

Russell Miller
Curtis Wooten

At 7:01 p.m. Mr. Pickett opened a discussion period for the School Board, Board of Supervisors and the Appomattox Elementary School Committee.

The School Board feels that the one thing that the school would need to have is a used or built new Maintenance Shop. This would be the only actual facility.

Mr. Carwile asked what the School Board wanted? What was their agenda?

Mr. Pickett replied a Maintenance Shop, Alternative Educational Facility. They would also like to move the bus shop to this location.

Mrs. Martin questioned the ability to maintain the building.

Mr. Fred Lawson would like to see the building used as a community center. Raise the funds needed. It would be a wonderful place for a facility similar to a Y, gym or day care center for the young and the elderly.

Mr. Lawson also does not want to see the buses here. He would prefer that they be put at the new Elementary school site.

Mr. Carter feels the committee will look at the pros/cons and move in a positive direction. They are interested in little taxpayer burden to the Community. (Citizens Forum). Enough expenditures already exists. They are looking for a vision - not a burden to the taxpayers.

There was some discussion regarding who has the final say regarding the disposition of this facility. The School Board still has control and will until what time they relinquish the building to the Board of Supervisors or should they decide to lease to someone in the private sector.

Mr. Lawson would like to get a lease on the facility but some members of the Board of Supervisors are not in favor of leasing to private sector. Maybe we should check with the county attorney regarding this issue.

Mr. Carter stated that two years ago the selling point for a new school was that the old school would not be a burden to the taxpayers.

Mr. Pickett stated at that time they were looking at it as classrooms, now they are looking at it differently. If they have to build a new maintenance shop, they would need the capital.

The School Board needs to determine when it is willing/able to relinquish the building.

At 7:30 p.m. Mr. Carter reopened the recessed meeting of the Board of Supervisors on a motion by Mr. Carwile seconded by Mr. Kendrick. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:31 p.m. on a motion by Mr. Selz, seconded by Ms. Martin the School Board opened their meeting. VOTE: Earl Pickett, aye; Bobby Mitchell, aye; Lannis Selz, aye; Clifford Rhodenizer, aye; and Amy Martin, aye.

The discussion centered around the uses for the old elementary school building. Mr. Selz stated that as long as the School Board uses it for educational purposes it can retain the building. It cannot lease it to anyone. The School Board needs to make a decision within the next few months.

Earl Pickett stated if the building is used for a technical center we can receive grant money up to one million dollars.

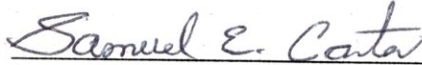
Also can the building be split up or is it turn over all or none of it.

Some School Board members feel they should get rid of the property as quickly as possible because they don't have the funds in their budget to maintain any additional buildings.

Some Board of Supervisors feel a lease would work. Others feel that as long as it is not burden to the taxpayers, they can do whatever they like.

The School Board will place this item on the agenda for their next meeting. Also they will ask Dr. Krug to draft a letter of interest to the Board of Supervisors stating they would like to use the maintenance shop and have this worked out in a lease.

At 7:50 p.m. on a motion by Mr. Kendrick, seconded by Mr. Hancock the meeting adjourned.
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick. Mr. Carter was not present at this time.



Samuel E. Carter, Chairman

At 5:00 p.m. on Tuesday, June 11, 2002 a Special meeting of the Appomattox County Board of Supervisors was held at the Carver Price Cultural Center/Appomattox Assembly, Inc on Patricia Anne Lane, Appomattox, VA. The purpose of this meeting being a planned Economic Development Summit.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
Russell H. Moore - Piney Mountain District
Frank H. Carwile - Wreck Island District

ABSENT: Jesse L. Hancock - Falling River District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT: Andy Carroll - County Administrator
John Spencer - Assistant County Administrator
Brandon Stidham - County Planner

At 5:20 p.m following dinner, Mr. Carter called the meeting to order.

Mr. Bill Slagle, Chairman of the Industrial Development Authority of Appomattox County welcomed everyone present, stated the purpose of the meeting, and introduced the speakers.

Ms. Shannon Heady, Virginia Economic Development Partnership of Farmville gave a presentation on Why Economic Development? And How the Commonwealth Markets Virginia.

Mr. John Spencer gave a Marketing Update on Region 2000 as Ms. Kim Butler of Region 2000 was unable to be present.

Mr. Spencer also presented a report on IDA activities for the County.

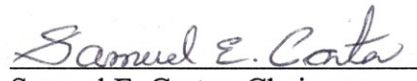
A presentation on The Local Perspective - How Does Appomattox Stack Up?, What it Takes to be Competitive in Today's Marketplace and the Role of the IDA and Other Community Partners was given by Shannon Heady and Neal Barber, Va Economic Development Partnership of Richmond.

Ms. Heady and Mr. Barber also held a group discussion on GAP Analysis - What Do We Need To Do to Become More Competitive?

Some of the things discussed were: 1) Entrance Sign & Curb Appeal; 2) Marketing Materials; 3) Virtual Building; 4) Marketing Plan; 5) Incentive Policies and 6) Worker Training. Also discussed were the need for work on a website, marketing plans and extending water/sewer connections to the recreation area of the site.

At 7:40 p.m. Mr. Moore made a motion seconded by Mr. Carwile to adjourn the meeting.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, June 17, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held a joint meeting and public hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
Jerry G. Kendrick - Appomattox River District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District

ALSO PRESENT:

Andy Carroll - County Administrator
John K. Spencer, Jr. - Assistant County Administrator
Brandon Stidham - County Planner

PRESENT: (Planning Commission)

Kevin O'Brien
Al Sears
Calvin Tanner
Jerry Hughes
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

Mr. Carter called the meeting to order at 6:30 p.m. and asked Mr. Hancock to give the invocation.

Mr. Carter then called Mr. Milton Thacker, VDOT Assistant Resident Engineer to address the Board regarding the VDOT Six Year Plan for Secondary Roads, the Porter House Road Resolution and the Appointment of Road Viewers.

Mr. Thacker began by discussing the Secondary Road Six Year Plan Resolution which he hopes the Board will adopt. He stated that there had been a reduction in the funds and the only plan he was aware of that was dropped was Route 659 in the unpaved roads. The other projects, Route 641 and 652, the significant change was the dates to move them out. Hopefully, more funds will become available in the fall.

VDOT is asking for a resolution for Porter House Road to be put in the rural additions.

The Board also needs to appoint Road Viewers for the month of July so VDOT can proceed with the Brandenwood project.

Mr. Thacker asked if there were any questions or comments.

Mr. Carter asked if there was any discussion regarding either the Porter House Road or the Secondary Six Year Plan Resolutions before considering a vote on these items.

Mr. Carter then called for a motion to adopt the Porter House Road Resolution.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution regarding Porter House Road:

WHEREAS, the property owners residing on Porter House Road located in the Stonewall Magisterial District have requested the Virginia Department of Transportation to provide an estimate for the construction of 0.82 miles of Porter House Road from the intersection with Route 669 to its terminus, to the Requirement of the Virginia Department of Transportation; and

WHEREAS, the Virginia Department of Transportation has provided an estimate for the cost of said street.

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation hereby is requested to add to the Appomattox County Secondary Road System for construction and maintenance the following road in accordance with §33.1-229 of the Code of Virginia of 1950, as amended.

Name of Street:	Porter House Road
From:	Intersection with Route 669
To:	0.82 mile south of Route 669
Length:	0.82 mile

BE IT FURTHER RESOLVED, that this Board does guarantee a minimum of fifty(50) foot right-of-way with additional widths as may be necessary for cuts, fills, and drainage, together with easements for drainage on adjacent properties.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

Mr. Carter next called for a motion to adopt the resolution regarding the Secondary Road Six Year Plan.

Mr. Carwile made a motion seconded by Mr. Kendrick to adopt the following resolution regarding the Secondary Road Six Year Plan:

WHEREAS, The Board of Supervisors of Appomattox County and the Virginia Department of Transportation held a public hearing on December 3, 2001, in accordance to §33.1-70.01 of the Code of Virginia at which the proposed Six Year Plan for Secondary Road Improvements for 2002-03 through 2007-08 was presented by D. L. Austin, Resident Engineer for the Virginia Department of Transportation.

WHEREAS, the proposed list for the 2002-03 Secondary Road Construction Budget was also presented for consideration.

BE IT RESOLVED, that the Secondary Road Improvement Six Year Plan for 2002-03 through 2007-08 is hereby approved.

BE IT FURTHER RESOLVED, that the priority list for the 2002-03 Secondary Road Construction Budget is hereby approved.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye.

Mr. Carter then called Mr. Brett Thompson and Ms. Tina Le'Valley to address the Board.

Mr. Thompson began by introducing Ms. Le'Valley, the new Executive/Tourism Director for the Appomattox Chamber of Commerce who began her duties on May 20, 2002. Already he has seen indications of lots of enthusiasm from the community and she brings a lot of experience into the position. He feels the Board will find Ms. Le'Valley very pleasant and easy to work with.

Ms. Le'Valley briefed the Board on her background. She has had eight (8) years of Broadcasting, and two (2) years with the program "Marriage before the Carriage".

She feel tourism is a long term goal. She is still working on getting familiar with Chamber of Commerce members and sponsorships. A lot remains to be done with the Visitors Center as well as the Chamber Office. She is also working on some ideas for fund raising and recruiting additional volunteers for the Chamber Office as well as the Visitors Center, as volunteers are vital to both of

these offices.

Mr. Carter asked if there were any immediate plans to establish some fund raising activities.

Mr. Thompson stated the first function was to strengthen the chamber and volunteerism. Once this support is there, they would like to hire a secretary to give Ms. Le'Valley more time to plan Chamber activities and Tourism ideas. He and Ms. Le'Valley have been invited to attend a special tourism meeting with the Town Council tomorrow night.

Mr. Carter thanked Mr. Thompson and Ms Le'Valley for their appearance.

Mr. Carter stated that it was necessary for the Board to enter into a Closed Session to discuss a legal issue.

At 6:52 p.m. Mr. Hancock made a motion seconded by Mr. Kendrick to enter into Closed session to discuss matters exempt under section 2.2-3711-A..7 of the Code of Virginia , Legal Matters. The disposition of a piece of property and the Porter House Road Contract.

Vote: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

At 7:02 p.m. Mr. Moore made a motion seconded by Mr. Hancock to return to regular session.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

Mr. Carter next read the following Certification Motion:

CLOSED SESSION CERTIFICATION

Whereas, this Board convened in a closed meeting under section 2.2-3711 A.7, Of the Code of Virginia for the purpose of discussing legal issues.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter asked if there were any motions to be made as a result of the Closed Session.

Mr. Kendrick made a motion seconded by Mr. Carwile to accept the Charitable Lease agreement with St. Anne's Episcopal Church. (Executed Lease Agreement on File) VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

Mr. Kendrick also made a motion seconded by Mr. Hancock to accept the Memorandums of Understanding between the Appomattox County Board of Supervisors and Porter House Road property owners for the payment of legal fees associated with Porter House Road.

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE APPOMATTOX COUNTY BOARD OF SUPERVISORS AND
INDIVIDUAL PROPERTY OWNERS
FOR PAYMENT OF LEGAL FEES ASSOCIATED WITH PORTER HOUSE ROAD**

This Agreement is made the ____ day of _____, 2002 by and between the Appomattox County Board of Supervisors ("Board") and _____ ("Owner").

WHEREAS, the Board has certified the right-of-way for Porter House Road to be accepted by the Virginia Department of Transportation (VDOT) for rural addition and maintenance; and

WHEREAS, legal expenses have been incurred by the Board in the amount of \$2,000.00 in conjunction with preparing the Deed of Dedication required to certify the right-of-way; and

WHEREAS, certain residents of Porter House Road have agreed to reimburse the Board for these legal expenses; and

WHEREAS, the Owner has agreed to reimburse the Board for their share, or one-sixth (1/6) of the legal expenses.

NOW, THEREFORE, the parties do hereby agree as follows:

1. The Owner shall pay legal expenses on a quarterly basis totaling \$333.35 by July 1, 2002. Minimum payments of \$66.67 shall be made on or before July 1, 2002; October 1, 2002; January 1, 2003; April 1, 2003; and July 1, 2003.
2. Payment shall be delivered on or before the due date to the County Administrator's Office in the form of a check (made payable to Appomattox County), money order, or cash.
3. In the event that the amount is not paid within ten (10) business days of a scheduled due date, a late fee of \$10.00 per day beyond the tenth business day that the payment is late shall be added to the outstanding balance.
4. Amounts paid in excess of a minimum quarterly payment shall reduce the amount of subsequent minimum quarterly payments.

VOTE: Mr. Carter, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

At 7:04 p.m. Mr. Carter stated there would be a Public Hearing with the Appomattox Planning Commission and read the following statement:

- This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.
- Please note that the public hearing is not the appropriate forum to engage in discussion of the

petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter asked Mr. Stidham to read the first petition.

Petition 02-504 - Variance to §170-81 of the Appomattox County Zoning Ordinance pertaining to location of accessory building on lot. Property is located on Rt. 602 between Rt. 601 and Rt. 626, Tax Map #82(2)3A, and is zoned A-1 Agricultural.

Mr. Stidham called for comments for or against this petition.

Hearing on comments, Mr. Carter closed the Public Hearing at 7:06 p.m. and called for a short recess.

At 7:15 p.m. Mr. Carter reopened the Board of Supervisor's meeting and addressed the next item on the agenda, a Public Hearing concerning changes to the Biosolids Ordinance (June 2002) as approved by the Board of Supervisors.

Mr. Carter called for comments for or against the proposed changes to the Biosolids Ordinances.

Hearing no comments, Mr. Carter closed the Public Hearing and called for the next item on the Agenda:

ADMINISTRATIVE ITEMS:

2. **Courthouse Decision:** In accordance with the Court's decision the Board is required to make a determination of whether it will pursue building a new or renovated Courthouse before June 30, 2002.

Mr. Carter has asked Mr. Carroll to present the Board members with several scenarios and literature to help each member to digest what plans are available.

Mr. Carroll presented several options. These are not necessarily in order of preference.

1. Renovate Courthouse: Temporary housing of offices currently located in the Courthouse would be needed during renovation. In the plans provided, the Commonwealth Attorney's office in the Courthouse would be optional.
2. New Courthouse in Current Location: Again the same considerations would be necessary.
3. New Courthouse on Hunter Property: Can a Courthouse of efficient scope and attractiveness be located on this lot, given its narrow width and would additional property have to be acquired to provide a proper setting for the Courthouse. Also

COUNTY OF APPOMATTOX, VIRGINIA hereafter called "County" and the TOWN OF APPOMATTOX, VIRGINIA herein called "Town",

WHEREAS, the County and the Town entered into a certain contract dated May 1, 1989 in which the Sheriff of Appomattox County shall be Chief Law Enforcement Officer of the Town of Appomattox as shown on said contract attached hereto as Schedule A.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the mutual covenants and agreements contained herein, the County agrees to furnish to the Town of Appomattox law enforcement services within the corporate limits of said Town as set forth herein.

This Agreement is made pursuant to and subject to the following covenants and restrictions:

- 1) The above mentioned contract dated May 24, 1989 and attached here to as Schedule A is hereby adopted in full with the following exceptions.
 - A) This agreement shall be effective from July 1, 2002 to June 30, 2003.
 - B) Town agrees to pay unto the County during the term of the agreement a sum not to exceed \$ 80,000.00 per year, payable \$ 40,000.00 on July 1 and \$ 40,000.00 payable on December 31.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; Mr. Moore, aye; and Mr. Carter, aye.

6. Family Member Exception Subdivision Amendment: The Planning Commission has unanimously approved the proposed amendment to give clarity to this portion of the subdivision ordinance. If the Board approves of this change a public hearing is necessary. The date for this Public Hearing will be July 15, 2002.

Mr. Carwile made a motion seconded by Mr. Moore to recommend that a public hearing be held to receive comments on this proposed amendment to the Family Member Exception Subdivision Ordinance. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then called attention to the **CONSENT AGENDA:**

7. Approval of Bills: Bills as presented for payment.

BOARD ACTION:

- 8 **Virginia Tobacco Indemnification Grant:** The Tobacco Commission has requested that the Board designate an individual to file reimbursements with the Commission for funds expended on the Water Study. The County Administrator was designated.
9. Personnel Policy Amendments: The following Personnel Policy changes were submitted by the County Administrator to: 1) honor the Board's request that all raises to County Employees be based upon performance and 2) to give clarity to the Worker's Compensation section of the current policy concerning an injury that required days away from work.

Section 5.5 - Salary Increases: As the Board of Supervisors may approve, from time to time, employees, including County Administrator, may receive a general salary increase to reflect the increase in the cost of living or to recognize meritorious performance. Merit increase are granted solely on individual performance criteria that have been met during the evaluation period. If the Board provides a merit increase, the amount of the increase awarded to each employee will be according to the following ratings:

<u>Evaluation Rating</u>	<u>Percentage Amount of Merit Increase</u>
3.8 and above	100%
3.6 to 3.79	75%
3.4 to 3.59	50%
3.2 to 3.39	25%
3.19 and under	0%

Section 6.7 - Worker's Compensation (paragraph 6): Until a determination is made that there is a compensable Workers Compensation injury or illness, the employee will be required to use his or her accrued leave balances. If the determination is made that the injury or illness is compensable under the Worker's Compensation Act or that the leave is an approved Worker's Compensation absence, the employee may have his or her leave balances restored if the employee reimburses the County the full value of the leave (salary or wages plus benefit costs) used for such injury or illness.

10. Fairview Christian Church: Fairview Christian Church operates a camp in Appomattox County and is requesting that landfill fees for the disposal of garbage that is generated be waived. The Board in the past has approved similar requests.

LINE ITEM TRANSFERS:

11. Legal Services: Transfer \$32,000 from 1101-8003 IDA - Note 2000 to 1204-1002 Professional Services for legal bills.

SUPPLEMENTAL APPROPRIATIONS:

12. Sheriff's Department: Approve the following supplemental appropriations as requested by the Sheriff:
 - a) \$152.00 to 3102-5408 - Vehicle/Power Equipment Supply
 - b) \$1,499.00 to 3102-1002 Overtime
 - \$124.00 to 3100-2001 FICA.
13. Library: Appropriate \$760.91 to 7301-5840 Special Library Fund
\$51.85 to 7301-5415 - Summer Reading.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the Consent Agenda, items 7 - 13, as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called the Board's attention to the **Informational Items:**

14. VACo Local Government Officials Conference: VACo has a conference scheduled for August 11-13, 2002 in Charlottesville. Anyone wishing to attend please contact Mr. Carroll.

would the County be required to maintain the current Courthouse once the new Courthouse is built on this property.

4. New Courthouse built on Courtland Field: This would have to pass a voter referendum in order to move the courthouse to that location, Also if a referendum allows for this move, would the County still have to maintain the old building once the new courthouse is built. If the referendum fails to pass, where does the County build the new courthouse - the present location or the Hunter property.

There was some discussion regarding whether the present building plans would be suitable for the present location or the Hunter property; what to do with the present building should a new courthouse be built and who would be responsible for it's upkeep.

Also there was some discussion as to what it would cost the taxpayers as well as the County to relocate our court services personnel to another location for a period of approximately two years while either renovation or new construction takes place.

Also there needs to be a fall back plan to meet the Court ordered time line, should the Referendum to build on Courtland Field fail to pass.

Mr. Kendrick made a motion seconded by Mr. Carwile to issue a Referendum on the November ballot to build a new courthouse as described by the Judge on Courtland Field and in addition, should the Referendum fail, which location the taxpayers would prefer, existing courthouse location or Hunter property. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. Proposed Ordinances: A public hearing was held to receive comments from the public on the proposed Ordinance on Jail Processing Fees and Ordinance on Conviction Fees to fund Courthouse Security Personnel.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the following Ordinances as written:

ARTICLE IXX ORDINANCE ON JAIL PROCESSING FEES

§147-65. Assessment of Jail Processing Fees

- A. Fee Amount. A fee in the amount of twenty-five dollars (\$25.00) shall be imposed upon any individual admitted to the Appomattox County Jail following conviction.
- B. Method of assessment; purpose. The fees set forth in subsection A, shall be assessed by the Clerk of the Court in which the conviction occurred, along with the other costs of the court proceedings, and deposited with the County Treasurer. The Treasurer shall hold said funds subject to appropriation by the Board of Supervisors to the Appomattox County Sheriff's Department to defray the cost of processing persons into the Appomattox County Jail.

- C. Authority. This section is enacted in accordance with §15.2-1613.1 of the Code of Virginia, 1950, as amended.
- D. Effective Date. The effective date of this ordinance is July 1, 2002.

**ARTICLE XVIII
ORDINANCE ON CONVICTION FEES
TO FUND COURTHOUSE SECURITY PERSONNEL**

§147-64. Assessment of Conviction Fees

- A. Fee amount. A fee in the amount of five dollars (\$5.00) per criminal or traffic case shall be imposed upon any individual convicted of violation of any statute or ordinance in either the General District or Circuit Court of Appomattox County.
- B. Method of assessment; purpose. The fee set forth in subsection A, shall be assessed by the Clerk of the Court in which the occurred, along with the other costs of the court proceedings, and deposited with the County Treasurer. The Treasurer shall hold said funds subject to appropriation by the Board of Supervisors to the Appomattox County Sheriff's Department for the funding of courthouse security personnel.
- C. Authority. This section is enacted in accordance with §53.1-120 of the Code of Virginia, 1950, as amended.
- D. Effective date. The effective date of this ordinance is July 1, 2002.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- 4. VaCo Legislative Agenda: VACo has asked that each locality submit any legislative concerns that it may have that pertain to the entire state for consideration by VACo for inclusion in its legislative agenda.

Mr. Carwile made a motion seconded by Mr. Moore to submit the following issues to VACo for inclusion in its legislative agenda: Courthouse Facilities; Local Control Over Land Use Activities; Tax Reform; and Local Option Addition to State Sales Tax for Capital Improvements. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- 5. **Police Service Agreement:** The Town of Appomattox has submitted its police service agreement for 2002-2003 in the amount of \$80,000.

Mr. Hancock made a motion seconded by Mr. Carwile to accept the Police Service Agreement with the Town of Appomattox as submitted.

THIS AGREEMENT, made in duplicate the 17th Day of June 2002, and between the

15. Business Development Centre Inc. Report: Report for activity during April-May 2002.
16. Town of Appomattox: Agenda for Town's Council meeting June 10, 2002.
17. Landfill Inspection Report: Landfill Inspection report for inspection performed May 22, 2002 by DEQ.
18. Supervisor's concerns: No Supervisor Concerns were presented at this time.

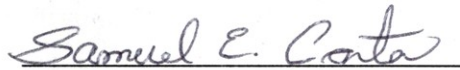
Mr. Carter called the Board's attention to upcoming meetings.

July 22, 2002 at 8:00 A.M. - Joint meeting with Appomattox Town Council
Water Study RFP discussion at Town Office

July 1, 2002 at 6:30 P.M. - Regular Board Meeting

July 15, 2002 at 6:30 P.M. - Regular Board Meeting.

At 8.06 p.m. Mr. Moore made a motion to recess until 8:00 A.M. on Saturday, July 22, 2002 at the Appomattox Town Hall. Mr. Carwile seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.



Samuel E. Carter - Chairman

At 8:00 a.m. on Saturday, June 22, 2002 the Appomattox County Board of Supervisors held a joint meeting with the Appomattox Town Council at the Town Office, Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District

Frank H. Carwile - Wreck Island District

Russell H. Moore - Piney Mountain District

Jerry G. Kendrick - Appomattox River District

ABSENT: (Board of Supervisors)

Jesse L. Hancock - Falling River District

PRESENT: (Appomattox Town Council)

Ronald Spiggle - Mayor

Joyce Bennett

Marvin Mitchell,

Lewis McDearmon,
Jimmy Mayberry
Steve Lawson

ABSENT: (Appomattox Town Council)
Buddy Carson

ALSO PRESENT:

Andy Carroll - County Administrator
David Garrett - Town Manager
Bill Phillips - Town Attorney

At 8:08 a.m. Mr. Spiggle opened the joint meeting for both the Town Council and the County Board of Supervisors and gave the invocation.

Mr. Spiggle stated the purpose of the meeting was to discuss the Water Study. Mr Spiggle feels that water is great concern to everyone in the community. He does not feel that wells are the best way to secure water as eventually this underground source of water will not be there. The Town is presently looking at fives well sites close to town.

The Town Council has asked residents to voluntarily conserve water.

Mr. Carroll and Mr. Garrett have worked on a RFP to secure engineering services to explore the possibilities for some alternative sites (approximately six sites) for future water supply. Mr. Spiggle also discussed the current water situation and stated his concern about the future of water in the area.

Mr. Carter stated he was glad to see the two groups were working together in a joint effort as something has got to be done if we are to continue with the quality of life we are having.

Mr. Carwile feels this is an essential need for both the County and the Town. He would like to look at this the source of water, who has rights to it and how much it can be drawn down. Also what source of water is more likely to be found that will provide water for a long time and not focus on the monetary cost.

Mr. Garrett thinks it will take about six months to do the study on the seven areas involved. We need both short-term and long-term solutions.

There was some discussion as to the best ways to proceed.

Mr. Garrett went over the RFP with the combined governing bodies.

A committee consisting of one member from the Town Council and one member from the County Board of Supervisors to join with David Garrett and Andy Carroll to work with the

consultants and report back to each of the governing bodies.

There was some discussion regarding the length of time it would take for an engineering firm to review the RFP and get a reply back to the committee. Mr. Garrett feels 30 days should be sufficient.

There will be no short term solution, acquiring the necessary withdrawal permits could take as long as five (5) years with construction coming later. We are talking about as much as 8 years in the making.

Short term solutions are to drill more wells and hopefully located water.

Mr. Carwile suggests tapping into different sources and develop a hub. Cost should not be the controlling factor but it should be cost effective.

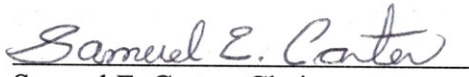
Mr. Carroll stated that if we meet our water needs we will be able to grow. We also need a vision and plan on how we want to grow.

At 8:55 a.m. Town Council adjourned their meeting.

Mr. Carroll stated the Board of Supervisors had one item of business to discuss, the ACTIONS committee property. To acquire the easements necessary to get this property sold will require a lump sum of \$4,000.

Mr. Kendrick made a motion seconded by Mr. Carwile to appropriate the lump sum of \$4,000 to cover the cost of this agreement. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:57 a.m. Mr. Carwile made a motion seconded by Mr. Kendrick to adjourn the Board of Supervisors meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, July 1, 2002, at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District

Jesse L. Hancock - Falling River District
Russell H. Moore - Piney Mountain District
Frank H. Carwile - Wreck Island District (arrived at 6:58 P.M.)
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
Brandon Stidham - County Planner
Dan Siegel, County Attorney - Sands, Anderson, Marks & Miller
Lee Byrd, County Attorney - Sands, Anderson, Marks & Miller

At 6:35 p.m. Mr. Carter called the meeting to order and asked Mr. Kendrick to give the invocation.

Mr. Carter next called Dr. James Mundy, Lynchburg Community Action Group to address the Board. Dr. Mundy will give an update on the first year of operations of the Rental Assistance Program for Appomattox County and also a report on other activities that Lyn-CAG performs for our community.

Dr. Mundy stated it was a pleasure to be serving Appomattox County in the Rental Assistance Program. They feel this program is going very well. He also gave a presentation concerning programs offered in Appomattox County by Lyn-CAG, such as the SHARE H.I.P program which offers housing for low income families which for some reason need short term assistance, until they are able to return to work. They are able to pay rent or mortgage payments for three months in arrears up to six months in advance for those who are able to provide adequate proof that they will be returning to work.

Other programs include the Indoor Plumbing Program, Emergency Assistance Program, and the Center for Employment & Training, which offers office automation skills. They are also working on a program called "Project Discovery" which will be for juniors and seniors in high school from low income families. They are still working on funding for this project and hope to have it available in the fall.

A Transitional Housing program will hopefully be opening up in the near future to assist families and etc. that need housing for a period of one year to eighteen months, due to fires or other emergencies.

Dr. Mundy provided handouts on all their programs which are available in Appomattox County.

Mr. Carter thanked Dr. Mundy for his excellent presentation.

At 6:45 p.m. Mr. Carter stated the Board needed to enter into a Closed Session per §2.2-3711 A.7 for the purpose of consultation with legal counsel and briefings by staff members pertaining to Litigation, Commonwealth of Va, vs Board of Supervisors, which is the Courthouse litigation and the O'Brien, et al vs Board of Supervisors-Biosolids litigation. Also consultation with legal counsel regarding the following specific legal matters requiring the provision of legal service.

1. Discussion of the Reassessment Contracts

2. Discussion of architectural contracts for courthouse construction.

Mr. Kendrick made a motion seconded by Mr. Hancock to enter into Closed Session per §2.2-3711 A.7 to discuss a legal issue. VOTE: Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carwile joined the meeting at 6:58 p.m. during the Closed session.

At 9:10 p.m. Mr. Moore made a motion seconded by Mr. Hancock to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter read the following Certification Motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A.7 Of the Code of Virginia for the purpose of discussing legal matters.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Stidham, Mr. Siegel and Mr. Byrd left the meeting.

ADMINISTRATIVE ITEMS:

1. Action from Closed Session:

Mr. Carter asked if there were any motions to be made as a result of the closed session.

Mr. Kendrick made a motion seconded by Mr. Moore to authorize the County Administrator to execute a contract with Craddock-Cunningham Architectural Partnership for the construction, documentations/designs of the new County Courthouse. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Kendrick made a motion seconded by Mr. Carwile to authorize our attorneys to defend the Board of Supervisors in the Biosolids Suit. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. **Joint Water Study RFP:** The Board has met with Town Council and discussed the water study RFP. Board consideration is necessary for: 1) Approval of the RFP for advertisement, minor changes may still be made with the consent of the joint committee and 2) Appointment of a member to the RFP committee to review the final RFP, submittals and interview the

prospective engineering firms.

Mr. Moore made a motion seconded by Mr. Kendrick to approve the Water Study RFP for advertisement, and possible minor changes by the joint committee. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Kendrick made a motion seconded by Mr. Carwile to appoint Samuel E. Carter to serve on the Joint Committee for the Water Study RFP advertisement, review and interviewing of prospective engineering firms. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. Biosolids Ordinance Amendment: Having held a Public Hearing on June 17, 2002 to receive comments concerning the proposed amendment (replacing livestock, dairy or poultry wording to farming) to the biosolids ordinance. No comments were received for or against this proposed change.

Mr. Kendrick made a motion seconded by Mr. Carwile to accept the proposed amendment to the biosolids ordinance as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Burn Ban: Due to the extremely dry weather and the increased possibility of brush fires, staff is asking the Board to consider the establishment of a burn ban on open fire and urge extreme caution in the use of fireworks on July 4th. Staff will work with local fire department and forestry officials to determine when the environmental conditions will allow the lifting of this ban.

After some discussion, Mr. Moore made a motion seconded by Mr. Kendrick to institute a Burn Ban of any open fires until environmental conditions allow said ban to be lifted. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. Board Appointments:

A. Road Viewers: The Board needs to appoint Road Viewers for the coming year. Those persons appointed last year may be re-appointed if they are willing to serve again.

Mr. Moore made a motion seconded by Mr. Kendrick to table this issue until the next meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

B. Library Board: Mrs. Ann Miller no longer wishes to serve on the Library Board. Ms. Gibbs is requesting that Mr. Jan Peterson be appointed to fill this vacancy. Mr. Peterson has agreed to serve is appointed.

Mr. Moore made a motion seconded by Mr. Hancock to appoint Mr. Jan Peterson to serve on the Library Board. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Also Mr. Carroll was instructed to give Mrs. Miller a Certification of Appreciation for the Board.

C. STEPS: Ms. Harrup of STEPS has informed the County Administrator that Mr. Jim Smith no longer wishes to serve on their Board of Directors. She is asking that the Board consider recommending another member of the community to serve out Mr. Smith's term.

After some discussion Mr. Carwile made a motion seconded by Mr. Kendrick to table this appointment until some of those persons suggested be contacted as to their willingness to serve. Also the Board asked Mr. Carroll to present Mr. Smith with a Certification of Appreciation for his services to the STEPS Board of Directors. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

D. Regional Renaissance: Mrs. Barbara Bennett of the Regional Renaissance has requested that the Board appoint a Board Member or Appomattox County citizen to this regional group.

On a motion by Mr. Kendrick seconded by Mr. Moore this issue was tabled until the next meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. County Welcome Signs: Mr. Barry Sauls of the Appomattox County High School has submitted possible landscaping concepts for the County welcome signs. This landscaping will be performed by Mr. Sauls and students of his class. This includes refinishing/repairing the present signs, as well as putting in plants and shrubs. Mr. Sauls will need to order the plants, etc within the next month.

Mr. Carroll presented the concepts in color as opposed to the black and white copies in the Board Book.

After some discussion, Mr. Carwile made a motion seconded by Mr. Kendrick to let Mr. Sauls and his class decide upon which concept they wished to use and proceed with the project. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

CONSENT AGENDA: (items 7-13)

7. Approval of Bills: Bills for payment as presented.
8. Approval of Minutes: Minutes of Regular meeting and Budget Work Session of April 1, 2002; Regular Meeting and Public Hearing of April 15, 2002; Recessed Meeting of April 22, 2002; Budget Public Hearing of April 29, 2002; Regular Meeting of May 6, 2002; Recessed Meeting of May 8, 2002; Regular Meeting and Public Hearing of May 20, 2002; Regular Meeting and Public Hearing of June 3, 2002.

Board Actions:

9. Festival Permit: Stonewall Vineyards is requesting to hold a festival on July 13 and July 27. Permit fee has been submitted and they are requesting bond requirement be waived.

10. Wireless E-911 Project Management: Mr. Stidham is recommending that the County join a regional project management group to develop the County's E-911 system as this will allow for the following advantages: 1) greater funding from state and 2) regional development creating less duplication of effort for such items as RFP's.

Supplemental Appropriations:

11. FY 2002 Balancing Transactions: Please approve the following supplemental appropriations to balance line items for the year ending June 30, 2002:
- a) 2109-3009 Purchase Services - \$9,961.00 to reflect an increase in expenditures (utilization) for juvenile detention facility.
 - b) 4101-3002 Professional Services - \$48,000.00 to reflect payment from Country Haven Estates for road improvements.
 - c) 5301-5305 Auto Insurance - \$496.00 to reflect an increase in auto insurance coverage for the Department of Social Services.

12. School Board: Please consider the following appropriations as requested by the School Board:
- | | | |
|----|-----------------------------------|-----------------|
| a) | Text Book Rental Fund | \$ 150,000.00 |
| b) | Additional Text Book Rental Fund | 150,000.00 |
| c) | New AES Construction Project | 1,228,098.76 |
| d) | New AES Construction Project | 750,000.00 |
| e) | New AES Construction Project | 52,623.84 |
| f) | New AES Construction | 5,419.77 |
| g) | Athletic Fund | 411.18 |
| h) | SOL Teacher Training - Carry over | 13,143.00 |
| i) | New AES Furniture | 135,000.00 |
| j) | Carl Perkins (Vocational) | 4,682.00 |
| k) | Title I | 125,993.00 |
| | Total | \$ 2,615,371.55 |

Mr. Carroll informed the Board that the figure for item (c) should be \$1,188,836.00; item (i) was budgeted last year for new furniture, a combination of Capital Improvement Budget money and some additional local funds that you provided. They have spent the majority of the money from the CIP account but they had \$135,000.00 left from last year. They are requesting this amount as it was already included in last year's budget.

13. Commonwealth's Attorney: Approval of supplemental appropriation of \$1,200.00 for Nortel 600 connection for VCIN system.

There was some discussion regarding the E-911 Wireless System and what counties would be involved in this group.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the Consent Agenda as written.
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter,

aye.

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

14. School Board Monthly Financial Report: August financial report for the school.
15. Town of Appomattox: Agenda for Town Council meeting of June 25, 2002.
16. The Smarter Region Newsletter: July issue enclosed.
17. Budget Thank You Notes: Notes of Thanks for funding in the FY 03 budget received from STEPS Inc. and the Appomattox Youth Sports.
18. Letter from Secretary of Transportation: Letter from Secretary Clement regarding VDOT's program.

Mr. Carter stated that Mr. Carwile had requested to speak to the Board prior to discussion on Supervisors's Concerns.

Mr. Carwile stated that on May 13, VACo issued a memorandum to County Administrators throughout the state regarding legislative proposals. On June 17, the Board of Supervisors accepted Mr. Carroll's response to VACo's request for its legislative agenda. At that time he had not fully read the draft. After completely reading the draft he is not satisfied with some of the wording and feels strongly that the Board rescind it's June 17th vote on this agenda. He would like to see us use a little more diplomacy but still get our point across. He will individually rescind his vote of support.

Mr. Carwile made a motion seconded by Mr. Hancock to rescind the entire VACo Legislative Agenda passed on June 17, 2002.

Mr. Carter called for discussion on the above motion.

Mr. Carter stated he had read the response and thought the language had merit. He feels it would gather the necessary attention of the representatives in Richmond to look at it intently and honestly. He agrees with what was sent to VACo.

Mr. Moore stated he would be willing to look at it again. However, he is not willing to rescind it at the present time.

Mr. Hancock feels the Board should look at this agenda again.

Mr. Kendrick doesn't have a problem with looking at it again. He agrees with VACO. He does however believe that there is something structurally wrong with the process in getting courthouses built. He has never seen a system that does not have a check and balance. This is evidence with what we have been through for the last couple of years, every thing we have tried to do regarding the courthouse, the judge changed. The only way to keep this from happening again is to have an organization behind us to make these changes.

Mr. Carwile still feels we need to use more diplomacy and achieve the same thing in a better way.

Mr. Carter called for a vote on the motion on the floor to rescind the vote on the VACo Legislative Agenda. ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, nay; Mr. Moore, nay; and Mr. Carter, nay.

Mr. Carter next called for **Supervisor's Concerns:**

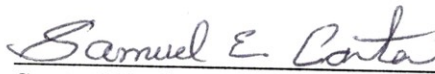
Mr. Kendrick has a concern regarding the trash littering the county and at individual residences. He feels that the time has come for development of some ordinances that would require people to take care of their own property and eliminate trash around the county in general.

Mr. Carter addressed the priorities listed at the Regional Commission Meeting in April. We labeled seven (7) different priorities we would like to see worked on. Of these seven, five have been labeled as priorities for Region 2000. They are: #1) Economic Development; #2) Local Government Revenue Restructuring; #3) Water and Sewer Resources; #4) Regional Health Insurance; and #5) Solid Waste Management.

Mr. Carwile discussed the memorial for Charles T. Moses. He has received a card from the Moses Family expressing their thanks and appreciation for the memorial.

Mr. Carter next called attention to the **Informational Items:** Regular Meeting at 6:30 p.m. on July 15, 2002 and Regular meeting at 6:30 p.m. on August 5, 2002.

At 9:55 p.m. on a motion by Mr. Moore seconded by Mr. Kendrick the meeting was adjourned. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


 Samuel E. Carter, Chairman

At 6:30 p.m. on Monday July 15, 2002 the Appomattox County Board of Supervisors held its regular scheduled meeting in conjunction with a Public Hearing/Joint meeting of the Appomattox County Planning Commission and the Appomattox Town Council, at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 Brandon Stidham - County Planner
 John Spencer - Assistant County Administrator
 Dan Siegel, County Attorney - Sands, Anderson, Marks & Miller
 Lee Byrd, County Attorney - Sands, Anderson, Marks & Miller

PRESENT: (Planning Commission)

Kevin O'Brien - Chairman
 Calvin Tanner
 Jerry Hughes
 Steve Conner
 Marvin Mitchell
 John Wilson
 Robert Johnson
 Susan Hudson

ABSENT: (Planning Commission)

Al Sears
 Jim Seftor

PRESENT: (Town Council)

Ronald Spiggle - Mayor
 Marvin Mitchell
 Joyce Bennett
 W. H. Carson
 Steve Lawson
 Norman Mayberry
 Lewis McDearmon

At 6:35 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter called the Community Park Committee to address the Board.

Ms. Ann Dixon, Director of Parks and Recreation, stated the purpose of the Committee meeting with the Board was to give an update on the progress of the park and to ask for support/approval of the following: 1) Park concept and master plan and 2) Approval of taking steps needed to secure VDOT Recreational road/bike path funds for the park.

After Ms. Dixon completed her presentation, the Board by Consensus agreed to the Conceptual drawings for the park complex.

After some discussion, Mr. Moore made a motion seconded by Mr. Kendrick to adopt the following resolution to amend the Regional Bicycle Plan.

RESOLUTION TO RECOMMEND AMENDMENT TO REGIONAL BICYCLE PLAN

WHEREAS, THE Region 200 Regional Commission has developed a Regional Bicycle Plan designed to make recommendations concerning the placement of potential bike paths and shared roadways in the region; and

WHEREAS, the Appomattox County Board of Supervisors has approved the Regional Bicycle Plan including its recommendations on the placement of bike paths and shared roadways within Appomattox County; and

WHEREAS, the Appomattox County Board of Supervisors recognizes the need for bicycle access to the Appomattox Recreation Park; and

WHEREAS, the current recommendations do not include a bicycle route to the Appomattox Recreation Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors recommends that the following routes be included in the Regional Bike Plan to provide such needed access:

- US 460 (Richmond Highway) from Business 460 (Confederate Blvd) to Route 613 (Police Tower Road).
- Route 613 (Police Tower Road) from US 460 (Richmond Highway) to Appomattox Recreation Park entrance.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter stated that since it was not time for the scheduled Public Hearing the Board would continue to the second item on the **ADMINISTRATIVE ITEMS**:

2. Board Appointments:

- a) **Road Viewers**: This issue was tabled from the previous meeting. Mr. C. A. Moore has agreed to serve for another term. Ms. Lynette Page has moved and we have been unable to contact her. Therefore, two members are needed for this committee.

Mr. Kendrick made a motion seconded by Mr. Hancock to appoint Claude A. Moore, John Fitch and Willie Craft to serve on the Road Viewers Committee for the current year. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- c. **Library Board**: Ms. Gibbs, has informed Mr. Carroll that Mr. Tom Chalfant is willing to be reappointed to the Library Board for another term. (July 30, 2002 through July 30, 2005).

Mr. Kendrick made a motion seconded by Mr. Moore to appoint Mr. Tom Chalfant to serve on the Library Board for a term beginning July 30, 2002 through July 30, 2005. VOTE: Mr. Hancock, aye;

Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Comprehensive Plan Review: The Planning Commission is requesting that the Board meet with it on Monday, July 29 at 7:00 p.m for the purpose of jointly reviewing the County's comprehensive plan if this date and time is suitable to the Board.

It was the consensus of the Board to meet with the Planning Commission on Monday, July 29th at 7:00 p.m. to review the County's comprehensive plan.

Mr. Carter next called attention to the **Consent Agenda: (Items 4-9)**

5. Approval of Bills: Approve bills for payment as presented.

SUPPLEMENTAL APPROPRIATIONS:

6. Library: Ms. Gibbs is requesting the following:
- a. Rollover Request 7301-5415 Summer Reading - \$119.37
 - b. Rollover Request 7301-5840 Special Library Fund - \$277. 92
 - c. 7301-5411 - Books \$41.00
6. Sheriff: Sheriff Staples is requesting approval of:
- a. 3102-5408 Vehicle Power Equipment Supplies - \$100.00
 - b. 3102-5408 Vehicle Power Equipment Supplies - \$2,537.48
 - c. 3102-5408 Vehicle Power Equipment Supplies - \$2,977.89
7. Treasurer: Ms. Belter is requesting approval for fund balances carry over:
- a. Comprehensive Services \$ 22,571.41
 - b. Law Library \$ 5,352.64
 - c. Ballpark (Town Ballpark) \$ 1,212.69
 - d. Capitol Improvement \$ 2,432,255.14
 - e. Courthouse Maintenance \$ 29,341.29
8. Tobacco Grant: Request to rollover unspent grant funds in section (a) and to appropriate grant funds approved for section (b).
- a. 8105-6010 - \$43,800.00 - Tobacco Grant - Signage/Water Study
 - b. 8105-6011 - \$32,467.00 - Tobacco Grant - Workforce Training Center
9. Department of Social Services: Supplemental to complete the funding level agreed to at the Board's meeting on May 20, 2002.
- a. \$34,749.00 Fund 15 5301-1001 Department of Social Services.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called the Board's attention to the **INFORMATIONAL ITEMS:**

10. Landfill Cell "T" Volume report: Latest calculation of remaining volume for Cell "T" as performed by Hurt & Proffitt.
11. Town of Appomattox: Agenda for Town Council meeting of July 8, 2002.
12. Biosolids Report: Report by the National Academics relating to the land application of Biosolids.
13. Chamber of Commerce: The Chamber of Commerce has sent a Thank You letter for FY03 budget funding.

Mr. Carter called for a short recess followed by the Planning Commission Meeting.

At 7:03 p.m. Mr. Carter opened the Public Hearing with the Planning Commission and Town Council and read the following statement:

"The Public Hearing is not the proper place for asking questions or engaging in discussion on the petitions. Only those arguing for or against the petition will be permitted to speak, and any questions or discussion will take place during the Planning Commission meeting."

Mr. Stidham read the following petition:

02-505 - Christina Martin and Jeffrey A. Drinkard: Conditional Use Permit for an off-site advertising sign per §170-87(E) of the Appomattox County Zoning Ordinance. Property is located on Rt. 206 between Rt. 660 and Rt. 608, Tax Map #38(A)72A, and is zoned V-1 Village.

Mr. Stidham asked for comments for or against this petition.

Hearing no comments, Mr. Stidham presented the following amendment to the County Code:
Amendment to Chapter 141, Subdivision of Land. Add new §141-7(E), Family member exception subdivisions.

Mr. Stidham called for comments for or against this amendment.

The final item, an amendment to the Town Code was presented:

An Ordinance to Amend the Code of the Town of Appomattox by adding in Chapter 74, Article X, Consisting of Sections 74-293 through 74-323, the new sections relating to the Regulation of the Siting of Wireless Telecommunications Facilities within the Town of Appomattox.

Having no one to speak for or against this amendment, the Public Hearing was adjourned at 7:08 P.M.

Mr. Carter stated the Board needed to enter into a closed meeting per §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel pertaining to Litigation, Commonwealth vs Board of Supervisors; Aubrey R. Padgett, III vs Board of Supervisors, Freedom of Information Act; and O'Brien, etal vs Board of Supervisors, Biosolids Regulations.

At 7:07 P.M., Mr. Moore made a motion seconded by Mr. Kendrick to enter into closed meeting for

the purpose of legal consultation per §2.2-3711 A. 7 of the Code of Virginia. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:42 P.M. on a motion by Mr. Moore seconded by Mr. Carwile the Board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter read the following Certifying Motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711 A.7 Of the Code of Virginia for the purpose of legal consultation regarding: Litigation, Commonwealth vs Board of Supervisors; Aubrey R. Padgett, III vs Board of Supervisors, Freedom of Information Act; and O'Brien, etal vs Board of Supervisors, Biosolids Regulations.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter asked if there were any motions to be made as a result of the closed meeting.

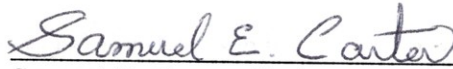
Mr. Kendrick made a motion seconded by Mr. Moore to authorize the County Attorneys to prosecute an appeal of the Courthouse litigation and to ratify any actions taken to date in this regard and otherwise defend the County and protect its interests in both the Circuit Court and the Supreme Court of Virginia. VOTE: Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, aye; Mr. Moore, aye; and Mr. Carwile, nay.

Mr. Kendrick made a motion seconded by Mr. Moore to authorize the County Attorneys to file an appeal on the ruling of the General District Court in the Freedom of Information Act litigation and to take whatever action necessary to defend the County and the Board of Supervisors. VOTE: Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, aye; Mr. Carter, aye; and Mr. Carwile, nay.

Mr. Carter called for **Supervisors Concerns**: There were no concerns expressed.

Mr. Carter reminded the other Board members of the upcoming meetings on Monday, July 29th at 7:00 p.m. at the Appomattox Community Center and also the next regular meeting on Monday, August 5th at 6:30 p.m. at the Courthouse.

At 8:47 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.



Samuel E. Carter, Chairman

On Monday, July 29th, 2002 at 7:00 p.m., the Appomattox County Board of Supervisors held a joint Work Session with the Appomattox County Planning Commission, The Appomattox Town Council and the Pamplin Town Council, at the Appomattox County Community Center, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ABSENT: (Board of Supervisors)

Jesse L. Hancock - Falling River District

PRESENT: (Planning Commission)

Kevin O'Brien - Chairman
Jerry Hughes
Calvin Tanner
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

ABSENT: (Planning Commission)

Al Sears
Steve Conner
Jim Seftor

PRESENT: (Appomattox Town Council)

Ronald Spiggle - Mayor
Steve Lawson
Joyce Bennett
Marvin Mitchell
Lewis McDearmon

ABSENT: (Appomattox Town Council)

Norman Mayberry

W. H. Carson

PRESENT: (Pamplin Town Council)

Robert Mitchell - Mayor

Marvin Hamlett

Ronald E. Franklin

Susan Hudson

Debbie Happel

ABSENT: (Pamplin Town Council)

Deloris H. DeMuth

Ruth Williamson

ALSO PRESENT:

Andy Carroll - County Administrator

Brandon Stidham - County Planner

John Spencer - Assistant County Administrator

At 7:05 p.m. Mr. O'Brien opened the joint meeting and asked each governing body to call their meetings to order. Mayor Spiggle opened the meeting of the Appomattox Town Council, Chairman Samuel Carter opened the meeting of the Board of Supervisors and Mayor Bob Mitchell opened the meeting of the Pamplin Town Council.

Mr. O'Brien gave a brief overview of the meeting agenda and process of developing the draft Comprehensive Plan. He then asked those present whether there were any comments or questions about the draft Plan. Hearing none, he noted that if anyone had comments later to direct them to Mr. Spencer or Mr. Stidham.

Mr. O'Brien then asked whether anyone had comments on the public input process. Mr. Carter noted that the proposed work plan distributed by Mr. Spencer looked reasonable. Mayor Spiggle added that it might be a good idea to make presentations before civic groups such as the Lions' Club or Farm Bureau. The Mayor also suggested that we look into printing up inserts to go into the Times-Virginian advertising the public input process. Mayor Spiggle asked Marvin Hamlett of the Times-Virginian about pricing for the inserts. Mr. Hamlett replied that inserts on 8 1/2" x 11" paper would cost \$240, and that 4,000 copies would have to be provided to cover the full circulation.

Mr. Kendrick inquired as to whether the Plan and associated information would be available on the Appomattox.com website. Mr. Stidham replied that it is something that we would definitely look into. He added that the Plan files could be made available in a common format for download from the website as well as copied onto CD-ROMs. Mr. Wilson asked whether the size of the files would be too large and cumbersome to download, and Mr. Stidham said they should be relatively small.

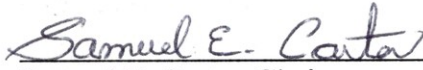
Mr. O'Brien moved to a discussion of mapping, and drew the attention of those present to the draft maps and charts displayed that had been prepared by the Region 2000 Regional Commission. He then asked for comments on the maps and charts, and Mr. Carwile asked what the margin for error

was on the charts displaying median incomes. Mr. Spencer replied that he did not know, but pointed out that the data came directly from 2000 U. S. Census figures. Mr. Spencer added that during the public input process, additional maps and charts would be developed and the drafts would be refined.

In some cases, information currently displayed on multiple draft maps would be combined on one map to save space. Mr. Wilson asked about the size of the maps that would be included in the Comp Plan, and Mr. Spencer said that they could be printed on 11" x 17" paper, folded twice over to fit neatly with the plan binders.

Mr. O'Brien then asked for any final questions or comments. Hearing none, Mr. Spencer added that any comments that may come up can be brought to his attention and incorporated prior to commencement of public input sessions.

With no further discussion, Chairman O'Brien asked the governing bodies to adjourn their meetings. Mr. Moore made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Carwile, aye; Mr. Kendrick, aye; Mr. Moore, aye; and Mr. Carter, aye.


 Samuel E. Carter, Chairman

On Monday, August 5, 2002 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 John Spencer - Assistant County Administrator

At 6:30 p.m. Mr. Carter opened the meeting, welcomed everyone present and gave the invocation.

Mr. Carter stated they would begin with the first item on the agenda.

ADMINISTRATIVE ITEMS:

1. **Disaster Declaration Resolution:** Eric Eberly, Extension Agent has recommended that the

Board consider adopting a resolution to request a disaster declaration for the county as a result of the drought conditions. Mr. Eberly has included with his recommendation rainfall records, crop loss estimates and crop yield averages.

Mr. Carwile made a motion seconded by Mr. Moore to adopt the following resolution:

DROUGHT RELIEF FOR THE FARMERS OF APPOMATTOX COUNTY

WHEREAS, the drought conditions in the County of Appomattox have severely affected farmers; and

WHEREAS, during the growing season of this year the County of Appomattox has received considerably less rain than normal while experiencing unseasonably high temperatures; and

WHEREAS, the County of Appomattox Food and Agricultural Council, made up of the Farm Service Agency, the Natural Resource Conservation Service, and Virginia Cooperative Extension, has reported that approximately 54,000 acres of farm land has been adversely affected within the County at an estimated loss of \$1,877,775.00;

AND WHEREAS, it is incumbent upon the Board of Supervisors of Appomattox County, Virginia, that the County Administrator is hereby instructed to file with the Governor of Virginia a request that the County of Appomattox be designated as a drought disaster area.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. Courthouse Referendum: A resolution is required to place the construction of the new courthouse on the Courtland Field property on the November 5 ballot. Passage of the resolution is the first step. The resolution will then go before the Circuit Court for approval and placement on the ballot. Cost figures included in the resolution is higher than the actual anticipated cost of the new courthouse project.

Mr. Carroll stated that the monetary amount should read up to \$7,500,000.00. The Code states that the cost must be included on the referendum for voter approval. Since we are currently under a court order and we do have a time line, if the project should come in over what we had anticipated, we could only spend that amount placed on the referendum.

Mr. Carwile has concerns with the way this referendum is presented. He feels that this information is distorted to the public. The figure was stated to be \$6.5 million. He does not feel the dollar figure should be included as it is misleading to the public and he cannot support this resolution as worded. We are asking if we can put the new courthouse on Courtland field, therefore we do not need to include a monetary figure. We should let the people be well informed.

Mr. Carter asked Mr. Carroll to again explain why the monetary figure was higher than the originally quoted figure.

Mr. Carroll stated as he understood the Code, the cost had to be part of the referendum question. The reason for using the \$7,500,000.00 figure is because if the project were to come in over the stated amount, we can only spend that amount on the project. This is the reason for the inflated figure.

Mr. Kendrick questioned stating the amount as plus or minus \$6,500,000.00. Also it has not been proven that this property is contiguous or not contiguous, so why do we have to even go to a referendum. He would like proof that we have to have a referendum period. It is his understanding that a ruling has never been made on this question.

Mr. Hancock stated that he received several calls from senior citizens saying that they understood the purpose of buying the property known as Courtland Field was for the building of a new courthouse.

Mr. Carwile stated that he and Mr. Moore were on the Board at the time the property was purchased. The intent was that it would be used for a courthouse if the occasion came up in the future. However, it was not documented in the records that the property had been acquired for this specific reason.

After more discussion Mr. Kendrick made a motion seconded by Mr. Moore that this issue be tabled until the meeting on August 19, 2002. We need clarification on the amount of money to be specified and if the property is contiguous or not contiguous. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. E-911 Consultant RFP: Staff has prepared the RFP to solicit consultant services that are need to implement the Enhanced 911 program for the county. The RFP is being presented for the Board's consideration and approval. As stated in the timetable, the RFP will be released immediately upon the Board's approval. It is important that this phase of the project begin.

Mr. Carwile made a motion seconded by Mr. Hancock to approve the E-911 Consultant RFP as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Burn Ban: At it's July 1st, 2002 meeting the Board instituted a burn ban because of the extremely dry conditions. Several calls have been received asking for the resumption of open burning since we have received some rain recently. After discussions with the local fire departments and the forestry department there is still a significant concern about open burning.

Mr. Carwile stated that the recent rainfall was not significant enough to allow for the lifting of the burn ban. Mr. Moore also stated that there had been a fire near him on Sunday afternoon, it was assumed to be a result of lightening.

Mr. Carwile made a motion seconded by Mr. Kendrick to keep the present burn ban in place until we have more significant rainfall. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. Porter House Resolution: VDOT has requested the Board approve a revised resolution regarding Porter House Road being added to the state secondary road system. The Board has previously approved a similar resolution.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the following resolution adding Porter House Road to the state secondary road system:

PORTER HOUSE ROAD - RESOLUTION

WHEREAS, the street described below was established prior to July 1, 1949, has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant its addition as part of the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Rural Addition Policy of the Virginia Department of Transportation:

Name of Street: Porter House Road

From: Route 669

To: 0.82 mile east of Route 669

Length: 0.82 mile

Guaranteed Right-of-Way Width: 50 feet

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED this Board requests the Virginia Department of Transportation to improve the street to prescribed minimum standards, pursuant to the rural addition policy of the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. Proposed Ordinance: On July 15, 2002, the Board held a public hearing to receive comments from the public concerning the proposed Amendment to Chapter 141, Subdivision of Land. Add new § 141-7(E), Family member exception subdivisions. No comments were received.

After some discussion, Mr. Carwile made a motion seconded by Mr. Kendrick to adopt the proposed Amendment to Chapter 141, Subdivision of Land. Add new Section 141-7(E), Family member exception subdivisions. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

7. Planning Commission Recommendations: The Planning Commission has recommended approval of Petition 02-505 Christina Martin & Jeffrey A. Drinkard - Conditional use permit for an off-site advertising sign per §170-87(E) of the Appomattox County Zoning Ordinance. Property is located on Route 26, between Route 660 and Route 608, Tax Map #38(A)72A, and is zoned V-1 Village.

Mr. Kendrick made a motion seconded by Mr. Hancock to accept the Planning Commission recommendation to approve Petition 02-505 of Christina Martin & Jeffrey A. Drinkard as requested.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

8. Pledge of Allegiance Resolution: The Board has received a request from VACo regarding a resolution passed by the Mecklenburg County Board of Supervisors regarding the wording to the Pledge of Allegiance to the United States and asking that Appomattox pass a similar resolution.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the following resolution:

RESOLUTION

WHEREAS, the Board of Supervisors of Appomattox County, Virginia is concerned about a recent court ruling in California regarding the Pledge of Allegiance; and

WHEREAS, the Pledge of Allegiance is a symbol of patriotism for the United States of America; and

WHEREAS, the wording of the Pledge is designed to promote said patriotism; and

WHEREAS, due to events of September 11th our Nation is under attack by forces bent on the destruction of our Country; and

WHEREAS, this Pledge does not promote any specific religion; and

WHEREAS, in this time of crisis our citizens want and need to show their faith in our Country and the ideals for which it was created;

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Appomattox County wishes to express their extreme desire that the Pledge of Allegiance will continue to be recited in the schools as it is currently written;

BE IT FURTHER RESOLVED, that this resolution be made a part of the of the minutes of the Board of Supervisors.

At a regular meeting of the Board of Supervisors, held in and for the County of Appomattox on August 5, 2002, the Board unanimously voted to adopt the above resolution

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

9. Board Appointments:

- a. Piedmont Alcohol Safety Action Program: Mrs. Robyn Allen, Director of Piedmont Alcohol Safety Action Program has requested that Mr. Mike Scott be reappointed to their Board of Directors. Mr. Scott has indicated that he is willing to serve another term.

Mr. Moore made a motion seconded by Mr. Carwile to reappoint Mr. Mike Scott to serve another term on the Board of Directors for the Piedmont Alcohol Safety Action Program as requested. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called the Board's attention to the **Consent Agent: (items 10 - 14)**

Approval of Bills: Approve bills as presented for payment.

Board Action:

10. Festival Permit: Stonewall Vineyards is requesting to hold a festival on August 10th, 2002. The permit fee has been submitted and they are asking that the bond requirement be waived, as in the past.

11. AWAG Donation: AWAG is requesting the release of the \$2,500.00 which the Board approved during the budget process for services it performs that are beneficial to the County.

12. Pamplin Ruritan Club: The Pamplin Ruritan Club is requesting that the building permit fee be waived for the construction of a storage building to serve the club. This will not exempt the club from the necessary inspections.

Supplemental Appropriations:

13. Sheriff's Department: Sheriff Staples is requesting the following supplemental appropriations:

- a. 3102-7005 - (motor vehicles/equipment) New Vehicle - \$26,923.51
(For additional compensation board position)
- b. 3102-5408 - (vehicle power equipment) Insurance Refund - \$299.25
- c. 3102-7001 - (equipment) Rebates for a total of \$200.00

14. Library: Please supplement 7301-5840 - Special Library Fund - \$2,501.90

Due to an error in last month's Rollover Request this figure was written as \$277.92 and the correct amount should have been \$2,779.82

After some discussion regarding reduction in bills for Virginia Recreation & Parks Society, Mr. Kendrick made a motion seconded by Mr. Moore to approve the consent agenda as presented.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then briefly discussed the **INFORMATIONAL ITEMS: (items 15-20)**

15. Town of Appomattox: Agenda for the Town Council meeting held on July 23, 2002
16. Virginia's Retreat Annual Report 2002: Annual report from Virginia's Retreat which promotes tourism in the region.
17. School Board Monthly Financial Report: Financial report for the month of September 2002.
18. VDOT Update: Report from the Transportation Commissioner regarding their recent audit of accounts.
19. Thank You Notes: Thank you notes from the Gladstone Rescue Squad and the Pamplin Volunteer Fire Department for contributions.
20. United Way Information and Referral Center: Quarterly report showing assistance to Appomattox County citizens.

Mr. Carwile stated he had an issue to address before the Board considered Supervisors' Concerns. This issue had to do with information he had received regarding statements supposedly made by another board member in connection with the appeal before the Court.

Several members of the Board stated their feelings on this issue.

Mr. Carwile asked for someone on the prevailing side to make a motion to drop the appeal.

As Mr. Kendrick had to leave the meeting at 7:27 p.m. Mr. Moore made a motion seconded by Mr. Carter to table this discussion until the next meeting when all Board members would be present: VOTE: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter called for **Supervisor's Concerns:**

Mr. Carter read a letter dated June 28, 2002 addressed to the Board of Supervisors from Andy Carroll, County Administrator, reference: Appeal of Court decision - Judge Poston. This memo listed the contacting of the Board Members as a poll, not a vote.

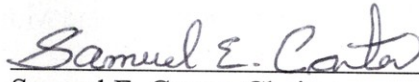
Mr. Carwile wanted clarification from Mr. Carroll on his authority to make a decision regarding issues such as this appeal. Mr. Carroll stated that he felt it was important to preserve the Board's options and that the action of noticing an appeal only preserved the Board's option to appeal the case. It did not require the Board to

Mr. Carwile asked for detailed invoices from the County Attorneys regarding the Courthouse Litigation and Biosolids issues.

Mr. Carter opened a discussion concerning the Open Public Comment Period during board meetings where citizens are allowed to voice their concerns and opinions. Under the present policy, persons wishing to address the Board must contact the County Administrator by the close of day on Wednesday prior to the meeting date. Mr. Carter read the new proposal. The Board will discuss this at its next meeting.

At 7:49 p.m. Mr. Hancock made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock,

aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.


 Samuel E. Carter, Chairman

On Monday, August 19, 2002 the Appomattox County Board of Supervisors held a joint meeting with the Appomattox County School Board at the School Board Administration Building, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ABSENT: (Board of Supervisors)

Frank H. Carwile - Wreck Island District (arrived late)

PRESENT: (School Board)

Lannis Selz
 Amy Martin
 Cliff Rhodenizer
 Earl Pickett
 R. W. Mitchell

ALSO PRESENT:

Andy Carroll - County Administrator
 Walter Krug - Division Superintendent
 Billy Perrow - Director of Business
 Brenda Gowin - Clerk of the Board

At 6:03 p.m. Mr. Carter and Mr. Pickett opened their respective meetings.

The purpose of the meeting was to meet with representatives of HRH, Cindy Bartolacci and Maria Gravely, regarding the health insurance coverage for both the School employees and the County employees. Ms. Bartolacci and Ms. Gravely gave a presentation on both the medical and dental benefits.

There were two (2) changes to the prescription drug designs: 1) required mandatory generic; and 2) mail order for 90 day supply (high utilization for prescriptions).

HRH recommends Trigon \$300 for medical and Mutual of Omaha for dental.

At 6:30 p.m. Mr. Carter left the meeting to make a statement regarding the regularly scheduled Board of Supervisors meeting at the Courthouse.

Mr. Carwile arrived at 6:35 p.m.

Mr. Carter rejoined the meeting at 6:36 p.m.

There was some discussion regarding the cost of the different programs and what had been budgeted for both full time and part time employees.

Mr. Selz made a motion seconded by Ms. Martin for the School Board to accept the enrollment requirements for the Appomattox County Early Retiree health insurance plan as follows:

- Must have 15 years of service with the Virginia Retirement System at the time of retirement.
- Must have health insurance coverage with the county at the time of retirement.
- Eligibility ends at age 65, Medicare eligible, or failure to make payments, whichever occurs first.

VOTE: Mr. Selz, aye; Ms. Martin, aye; Mr. Rhodenizer, aye; Mr. Pickett, aye and Mr. Mitchell, aye.

Mr. Kendrick made a motion seconded by Mr. Moore for the Board of Supervisors to accept the recommended motions to implement health insurance program for plan year October 1, 2002 - September 30, 2003 as follows:

1. Move to approve the enrollment requirement in the Appomattox County Early Retiree health insurance plan as follows:
 - Must have 15 years of service with the Virginia Retirement System at the time of retirement.
 - Must have health insurance coverage with the county at the time of retirement.
 - Eligibility ends at age 65, medical eligible, or failure to make payments, whichever occurs first.
2. Move to allow currently covered retirees who do not meet the new eligibility standards for the early retirees group to remain on Appomattox County group for the plan year October 1, 2002 through September 30, 2003 with the board contribution to be equal to the approved contribution required by Trigon early retiree eligibility (up to 50% of the subscriber only premium) for the plan year specified.
3. Move to approve a board contribution of \$294.00 per month for each eligible subscriber effective with the September 2002 payroll.
4. Move to approve Trigon as our carrier for medical insurance and the Trigon Blue Care 300 Stand Alone Plan for the plan year October 1, 2002 through September 30, 2003.

5. Move to approve Mutual of Omaha as our carrier for voluntary dental insurance for the plan year October 1, 2002 through September 30, 2003.

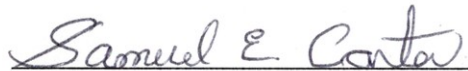
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Selz made a motion, seconded by Ms. Martin for the School Board to accept the following motions:

2. Move to allow currently covered retirees who do not meet the new eligibility standards for the early retirees group to remain on Appomattox County group for the plan year October 1, 2002 through September 30, 2003 with the board contribution to be equal to the approved contribution required by Trigon early retiree eligibility (up to 50% of the subscriber only premium) for the plan year specified.
3. Move to approve a board contribution of \$294.00 per month for each eligible subscriber effective with the September 2002 payroll.
4. Move to approve Trigon as our carrier for medical insurance and the Trigon Blue Care 300 Stand Alone Plan for the plan year October 1, 2002 through September 30, 2003.
5. Move to approve Mutual of Omaha as our carrier for voluntary dental insurance for the plan year October 1, 2002 through September 30, 2003.

VOTE: Mr. Selz, aye; Ms. Martin, aye; Mr. Rhodenizer, aye; Mr. Pickett, aye; and Mr. Mitchell, aye.

There being no further business to discuss, Mr. Kendrick made a motion seconded by Mr. Moore to adjourn the Board of Supervisors meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, August 19, 2002 the Appomattox County Board of Supervisors, the Appomattox County Planning Commission and the Appomattox Town Council held a joint Public Hearing and meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, VA.

At 6:30 p.m. Mr. Carter made the following statement: "The Board of Supervisors is currently conducting a joint meeting with the School Board in the School Administration Building located on Court Street. The Board of Supervisors will convene its regular meeting tonight at 7:00 p.m. in the Courthouse."

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
Brandon Stidham - County Planner
John Spencer - Assistant County Administrator

PRESENT: (Planning Commission)

Kevin O'Brien - Chairman
Jerry Hughes
Al Sears
Steve Conner
Calvin Tanner
Robert Johnson
Jim Seftor
Susan Hudson
John Wilson
Marvin H. Mitchell

PRESENT: (Town Council)

Ronald Spiggle - Mayor
Marvin Mitchell
W. H. Carson
Steve Lawson
Jimmy Mayberry
Lewis McDearmon
Joyce Bennett
David Garrett - Town Manager

At 7:01 p.m. Mr. Carter opened the meeting and asked Mr. Hancock to give the invocation.

At 7:01 p.m. Mr. Carter opened the Public Hearing and read the following statement:

This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then called upon Mr. Stidham to read the first petition:

02-506 - Robert Stephens: Re-zone property from A-1 Agricultural to R-1 Residential per §170-8 of the Appomattox County Zoning Ordinance. Property is located on Rt. 703 between US 460 and Rt. 685, Tax Map #62(2)6.

Mr. Stidham asked if anyone wished to speak for or against this petition.

Mr. Curtis Wooten, Rt. 703, Appomattox came forward stating he is unclear as to what the proposal is for this property. Is this property restricted to 200' road frontage as the other properties in the area. He is also concerned about the water supply.

Mr. Stidham asked for further comments, hearing none he read the next petition.

02-507 - William Edward Walker: Amend conditional use permit to construct addition to existing business building. Property is located on US 460 between Rt. 622 and Rt. 628, Tax Map #102(A)21A, and is zoned R-2 Residential.

Mr. Stidham called for comments for or against this petition. Hearing none, he then read the next petition.

02-508 - John K. Barksdale: Conditional use permit for sale and display of prefabricated accessory buildings at an existing business per §170-51 of the Appomattox County Zoning Ordinance. Property is located on US 460 between Rt. 609 and Rt. 667, Tax Map #60(4)B, and is zoned M-1 Industrial.

Mr. Stidham called for comments for or against this petition.

Mr. Stidham next presented the last item, a series of amendments to the Town of Appomattox Zoning Ordinance:

1. Add New Section, Planned Unit Development
2. Add New Section, 74-8, Administrative Fees
3. Amend and Reenact Sections 74-142 and 74-177 regarding permitted uses in residential Districts, Limited, R-1, and Residential Districts, General, R-2.
4. Amend and Reenact Section 74-1, Definitions.

Having no one to speak for or against these amendments, Mr. Stidham closed the Public Hearing at 7:06 p.m.

Mr. Carter stated the Board needed to enter into a closed meeting in accordance with §2.2-3711A.7 of the Code of Virginia for the purpose of consultation with legal counsel and briefings by staff members pertaining to litigation, "Commonwealth of Virginia v. Board of Supervisors (courthouse litigation)", Aubrey R. Padgett, III v. Board of Supervisors (FOIA) and "O'Brien et.al.v. Board of Supervisors" (biosolids regulations) .

At 7:07 p.m Mr. Kendrick made a motion seconded by Mr. Moore to close this meeting in order to discuss matters exempt under section §2.2-3711 A. 7 of the Code of Virginia, Consultation with legal counsel. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 9:10 p.m. Mr. Carwile made a motion seconded by Mr. Hancock to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711A.7, Of the Code of Virginia for the purpose of consultation with legal counsel, Courthouse litigation and biosolids litigation and the FOIA;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter stated the Board would continue with **ADMINISTRATIVE ITEMS:**

1. Action from Closed Session: Mr. Kendrick stated that in light of County prevailing in the ruling on the cost of the Courthouse litigation the Board should withdraw its appeal. Therefore, he moves that the County withdraw its appeal of the Courthouse ruling currently at the Virginia Supreme Court. Mr. Carwile seconded this motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.
2. Courthouse Referendum: It was determined at the June 17th meeting a new courthouse would be built on Courtland Field and at the last meeting a sample resolution was presented. There were several questions as to the wording of the referendum. Since a plus or minus figures cannot be placed on the referendum, is the wording "up to \$7,500,000.00" to be listed as the construction cost.

Mr. Carter stated that since the decision to place this item on the referendum and place the new courthouse on Courtland Field, many citizens have approached him in regards to not doing this.

They wish to have the new courthouse located on the present site, thereby eliminating the upkeep on two different buildings. Also, several people have expressed the idea that there will be ways and means to finance the costs of upkeep and renovation on the old building.

Mr. Carter made a motion that the referendum be done away with and a new courthouse building be placed on the present site. Mr. Kendrick seconded the motion.

Mr. Kendrick also stated that he did not want to tear down the old building but the County cannot financially afford to build a new building and maintain the old buildings. Maybe the County could sell some property to raise funds.

Mr. Carwile stated he was not sure he understood the motion. Was it to tear down the Courthouse facade and also the other structures on the courthouse square? He is not in favor of this. He also questions the cost of demolition and the relocation of offices and courts presently using the old building. Mr. Carwile then proposed a substitute motion to place the new courthouse on the Hunter property and save the present buildings and do away with the referendum.

Mr. Carter called for a second. Motion dies for the lack of a second.

Mr. Moore commented that the reaction from the people was a flat NO to demolish the old courthouse. Therefore, he cannot support the motion to tear it down.

Mr. Carter then amended his original motion to clarify what was meant by destruction of buildings, he included the courthouse, clerk's office and the office of the Treasurer and Commission of Revenue. The old Jail would be taken apart and moved to Clover Hill Village.

Mr. Kendrick seconded the amended motion.

Mr. Hancock stated that for the long term and future, he is leaning toward a new courthouse. In 1997 the supervisors had a choice, now it has been too long. We should have built a courthouse in 2000, we need to move forward and stop looking back.

Mr. Carwile questioned Mr. Hancock as to exactly where he thought the new courthouse should be built, the present location or the Hunter property. Mr. Hancock's reply was that was not relevant to the motion.

Mr. Carter called for a vote on the motion before the board to tear down the existing courthouse, the clerk's office, Treasurer's/Commissioner of Revenue building and move the old jail/museum to Clover Hill Village where it will be reassembled. VOTE: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, nay; Mr. Kendrick, aye; and Mr. Carter, aye.

4. Public Comment Period: This issue was discussed at the last meeting and staff is asking the Board to approve the establishment of a public comment period with the staff recommended guidelines.

We have received a letter from a concerned citizen containing the guidelines he would like to see established regarding the Public Comment Period at Board Meetings.

Discussion centered around the two proposals and the time limit of five (5) minutes to ten (10) minutes for a total period of thirty (30) minutes. Also to allow persons to sign up just prior to the meeting.

Mr. Carroll also reported on comments from other localities on how they handle this portion of their meetings: Campbell County - requires request one week prior to meeting; Charlotte County - can request same day as meeting, but they do an updated agenda on meeting day; Nelson County has only one meeting a month and they have a public comment session regarding agenda items before the agenda and comments on non-agenda items at the end of the agenda.; Bedford County had 15 minutes of citizen comments on agenda items only; Buckingham County - allows 3-4 minutes per person to speak on issues. Also the reason he proposed the thirty (30) minute speaking time was to allow people coming to the Board meeting to make their comments to the Board and they can be prepared to respond. If we have an open ended meeting allowing for other things such as closed sessions, etc. they may not get to speak until after ten o'clock. Most citizens will present issues that will not be acted upon that night, but will require some research and presented at a later date.

Mr. Kendrick made a motion seconded by Mr. Moore that the two proposals be blended and a new proposal be presented at the next meeting. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. Central Virginia Community Services: The FY 2003 performance contract with the Department of Mental Health, Mental Retardation and Substance Abuse has been received. This contract is essentially the same as in previous years.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the FY2003 performance contract with the Department of Mental Health, Mental Retardation and Substance Abuse. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. Community Park: Three items need action by the Board for further development of the Community Park to be located on Rt. 613.

- a. Bicycle Plan for Appomattox County: An amended bike plan needs to be adopted in order for VDOT to fund construction of the bike path alongside the community park service road.

Mr. Moore made a motion seconded by Mr. Carwile to adopt the following resolution as it pertains to the construction of the bike path alongside the community park service road:

**RESOLUTION TO AMEND THE REGIONAL BICYCLE PLAN
AND TO ADOPT AS THE OFFICIAL BICYCLE PLAN
FOR APPOMATTOX COUNTY**

WHEREAS, many progressive communities around the country are actively developing biking and hiking trails, referred to as "green communities"; and

WHEREAS, the Region 2000 Regional Commission has developed a Regional Bicycle Plan designed to make recommendations concerning the placement of potential bike paths and shared roadways in the region; and

WHEREAS, on August 19, 2002, the Appomattox County Board of Supervisors approved the Regional Bicycle Plan including its recommendations on bike paths and shared roadways within Appomattox County; and

WHEREAS, the Appomattox County Board of Supervisors recognizes the need for bicycle access to the Appomattox Recreation Park;

AND WHEREAS, the Board of Supervisors now desires to adopt the Regional Bicycle Plan as the official County Bicycle Plan with the following amendments to provide a bicycle route to the Appomattox Recreation Park;

- US460 (Richmond Highway) from Business 460 (Confederate Blvd) to Rt. 613 (Police Tower Road).
- Rt. 613 (Police Tower Road) from US 460 (Richmond Highway) to Appomattox Recreation Park entrance.

NOW THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby adopt the Regional Bike Plan to serve as the official bicycle plan for Appomattox County.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- b. VDOT Recreational Resolution: Board needs to approve resolution requesting VDOT to design, construct, and maintain the service road and bike path for the community park.

Mr. Kendrick made a motion seconded Mr. Moore to approve the following resolution requesting VDOT to design, construct, and maintain the service road and bike path for the community park.

RESOLUTION COMBINED RECREATIONAL ACCESS ROAD/BIKEWAY

WHEREAS, the Appomattox Community Park is owned and is to be developed by the County of Appomattox as a recreational facility serving the residents of Appomattox County and adjoining localities; and

WHEREAS, facility is in need of adequate vehicular and bicycle access; and

WHEREAS, the procedure governing the allocation of recreational access funds set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational areas or historical sites; and

WHEREAS, the Board of Supervisors has duly adopted a zoning ordinance pursuant to Article 8 (Section 15.1-486 et seq), Chapter 11, Title 15.1 of the Code of Virginia; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the Appomattox Community Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right of way of the proposed access road and bikeway is provided by the County of Appomattox at no cost to the Recreational Access Fund; and

WHEREAS, the Board of Supervisors acknowledges that, pursuant to the Provision of Section 33.1-223 of the Code of Virginia, this road and bikeway shall be designated as "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation. Further, the Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road and bikeway.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Appomattox County hereby requests the Director of the Department of Conservation and Recreation to designate the Appomattox Community Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an access road and bikeway to serve said park; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board if hereby requested to allocate the necessary recreational access funds to provide a suitable access road and bikeway as hereinbefore described.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- c. Frisbee Golf: The Senior Girl Scout Troop 2052 is requesting approval to finance and construct a Frisbee Disc Golf Court at the new community park on Rt. 613 as their Gold Award Project. The Girl Scout Gold Award Committee has approved this

project. The Community Park Committee also approves this project.

Mr. Moore made a motion seconded by Mr. Carwile to approve the Senior Girl Scout Troop 2052's request to finance and construct a Frisbee Disc Golf Course at the Appomattox Community Park located on Route 613. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

7. Resolution to Support Enabling Legislation for Counties to Impose a Cigarette Tax: Isle of Wight County is requesting that counties adopt a resolution requesting that the General Assembly pass legislation allowing counties to impose a cigarette tax as cities and towns currently may do. This resolution would not require the Board to adopt a cigarette tax at the present time or in the future. It is asking that counties have the same taxing authority as cities and Towns.

Mr. Carwile made a motion seconded by Mr. Kendrick to adopt the following resolution:

**RESOLUTION TO SUPPORT ENABLING LEGISLATION
FOR COUNTIES TO IMPOSE A CIGARETTE TAX**

WHEREAS, counties within the Commonwealth of Virginia share many of the same responsibilities as cities relative to the provision of services to their respective constituencies; and

WHEREAS, the Code of Virginia provides for more diversification in the type of local taxing authority afforded to cities and towns than for counties; and

WHEREAS, one of the areas of taxing disparity lies with the authority to impose local taxes on the sales of cigarettes; and

WHEREAS, equal taxing authority relative to the imposition of a local tax on the sales of cigarettes would have a significantly positive impact on counties throughout the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Appomattox County, Virginia that the Virginia Association of Counties request and strongly encourage the Virginia General Assembly to adopt enabling legislation to provide that all counties may impose a local tax on the sales of cigarettes.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Moore, aye.

Mr. Carter next presented the **CONSENT AGENDA:** (Items 8 - 13)

Approval of Bills: Approval of bills as presented.

BOARD ACTIONS:

8. Festival Permit: Mr. Ken Swanson is requesting a festival permit to hold an End of Summer Music Festival on September 14, in Evergreen to benefit the American Cancer Society. Mr. Swanson is requesting that the fee and bond requirements be waived.

9. E-911: VDOT has completed processing the County's request for matching funds for road signage. Staff is requesting approval of this budgeted expenditure and the transfer of \$90,000.00 from the E-911 fund to the General Fund.

10. Comprehensive Services Act: Staff requests a transfer of \$3,750.00 from the Comprehensive Services Administration account to the General Fund for payment of contracted services with Campbell County CSA.

11. Livestock Damage Claim: Citizen's claim for \$10.00 for rabbits killed by dogs.

SUPPLEMENTAL APPROPRIATIONS:

12. Sheriff's Department: Approve supplemental appropriations as follows:

a.	3102-5408 - Vehicle Power Equipment Supplies	\$100.00
b.	3102-1002 - Regular Overtime	73.56
c.	3102-5408 - Vehicle Power Equipment Supplies	187.00
d.	3102-1002 - Regular Overtime	27.59
e.	3102-7001 - Equipment	200.00
f.	3102-7001 - Equipment	100.00

13. Library: Approve supplemental appropriations as follows:

	7301-5401 - Office Supplies	\$308.12
	7301-5411 - Books	547.05
	7301-5415 - Summer Reading	200.00

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **INFORMATIONAL ITEMS:**

14. Village Garden Green House Sign: This business applied for and was granted a conditional use by Appomattox County for the placement of an off site sign. VDOT has stated that this sign is in violation of a federal transportation regulation and that it must either be removed or made an official County Sign. VDOT has granted an additional 30 days to comply.

15. Town of Appomattox: Agenda for town Council meeting of August 12, 2002.

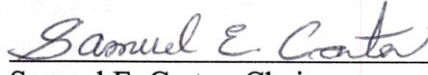
16. Town of Brookneal: The Board has received an invitation to participate in the Bicentennial parade to be held on October 19, 2002.

17. Railroad Festival Parade: The Railroad Festival Committee has begun to process the placing of entries into the parade. If individual members wish to participate, they may contact Mr. Carroll or the parade staff directly.

Mr. Carter next called for **Supervisor's Concerns:**

Hearing no Supervisor's Concerns, Mr. Carter reminded everyone of the upcoming meetings:
 Tuesday, September 3, 2002 - 6:30 p.m. Regular Board Meeting
 Monday, September 16, 2002 6:30 p.m. Regular Board Meeting.

At 10:00 p.m., Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


 Samuel E. Carter, Chairman

On Tuesday, September 3, 2002 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman - Courthouse District
 Jesse L. Hancock - Falling River District
 Frank H. Carwile - Wreck Island District
 Russell H. Moore - Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ALSO PRESENT:
 Andy Carroll - County Administrator
 John Spencer - Assistant County Administrator

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Kendrick to deliver the invocation.

Due to the number of persons present regarding the discussion on the Courthouse Project, Mr. Carter asked for a consensus of the Board to rearrange the agenda as written in order to discuss item #2 under Administrative Items: ROLL CALL VOTE: Mr. Kendrick, aye; Mr. Moore, aye; Mr. Carwile, aye; Mr. Hancock, aye; and Mr. Carter, aye.

ADMINISTRATIVE ITEMS:

2. - Courthouse:

Mr. Carter then turned the meeting over to Mr. Moore. Mr. Moore stated he had not signed the petition because it did not address the question of saving the Old Courthouse. It does address moving the courthouse across the street. He would like to say a few words in defense of the Board Members who had voted to tear down the Old Courthouse. 1) They, as well as himself, believed the Hunter property was unacceptable for a new courthouse; 2) The Board was told that the referendum would fail. They wanted to reduce the tax burden on the citizens of Appomattox County through consolidation and they wanted to comply with Judge Poston's time line. This proposal and

subsequent vote would in fact achieve that reasoning. However, this vote, like others before it, met with opposition. Tonight he is going to offer one last proposal that will save the Old Courthouse and save Courtland Field for community use. Mr. Moore proposed that we build the new courthouse behind the existing courthouse and continue to use the Old Courthouse instead of mothballing it. The proposed new courthouse would face the Hunter property, which would become a parking lot. At some point in time the Old Courthouse could be attached to the new courthouse to comply with ADA requirements. Judge Poston has already given permission to this plan, should the prevailing Board Members rescind the August 17, 2002 vote and approve this proposal. This proposal came to him out of the clear blue sky@.

Mr. Carter asked Mr. Hal Craddock and Shann Arrington of Craddock-Cunningham Architectural Partners to come forward. Mr. Craddock and Mr. Arrington were present to discuss the demolishing of the Old Courthouse. However, this was not to be discussed at this time. Mr. Carter asked Mr. Craddock to address the feasibility of Mr. Moore=s proposal.

Mr. Craddock stated he was surprised that this suggestion had not come out prior to now, but he feels it is an excellent idea. You will recall the Commonwealth=s plan was to add on to the existing building but this courtroom would become basically a waiting room or a means to access the restrooms, etc. in the building. Many felt this would demean the historical significance of this room.

Mr. Moore=s plan puts the additions on the back and this portion of the building acts as a facade and can still be used for meetings, etc., with the entrance to the new courthouse being located elsewhere. This plan would, of course, necessitate moving the parking lot to the other property. By building on the back, we would not have to decorate the building as much. Mr. Craddock feels everyone will agree that this is a good solution.

Mr. Carwile stated he felt that he was the only supervisor not in the light of what was being discussed and obviously this plan was not put together tonight at this table. He recalls the judge as stating, we could not renovate. He feels this plan would be separating just enough to not fall in the renovation category. He feels all the supervisors should have been involved in this new plan prior to tonight=s meeting. He was not involved. Does he understand that the present courtroom will not be included in any way in this new plan. He would also like to know how we can obtain the square footage that is necessary without using the present courtroom.

Mr. Craddock feels that we can obtain this by what is known as the stacking mechanism. This location lends itself better to accommodate the holding cells and the sally port for the prisoners. He was surprised that this arrangement had not come to light earlier and he feels this is a good solution. Of all the options we have on the table at this time, this plan appears to be the best.

Mr. Carter excused Mr. Craddock.

Mr. Carter stated that due to the respect he has for his fellow board members and the citizens of this County, he will not go into a short story regarding the A Courthouse Saga@.

Mr. Carter made a motion to rescind the motion made and voted on, in August 2002, to tear down the existing courthouse structure. By doing so, he hopes we can work together for the better of this county to achieve a courthouse we can all be proud of. Mr. Kendrick seconded the motion.

After some discussion, Mr. Carter called for a vote on the motion before the Board. VOTE: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Moore next made a motion to proceed with the plan to build a new courthouse behind the present building, remove the 1960's addition, reserving the historical section of the building; the new courthouse facing the Hunter property, which will be used as a parking lot. Mr. Kendrick seconded this motion.

Discussion followed.

Mr. Carter called for a vote on Mr. Moore=s motion. ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

The Board by consensus decided to table the steps needed to implement the plan until the next meeting.

Mr. Carter called for a short recess at 7:12 p.m.

At 7:15 p.m. Mr. Carter reopened the meeting and asked Mr. Bill Gillespie, Executive Director, Region 2000 Regional Commission to address the Board regarding: 1) Regional health insurance initiative, 2) Regional priorities for the Commission, and 3) Merger of Region 2000 Economic Development Partnership and the Commission.

Mr. Gillespie gave a presentation on Regional Health Insurance. The increased cost of prescription drugs has greatly affected the cost of health insurance in recent years. There is not much health care competition in this area, basically there are two providers. The Regional Commission has spoken to three other providers about possibly coming into our region. Mr. Gillespie is asking for \$3,500.00 to participate in the \$30,000.00 consultants program. This will cover both County and School Board employees. In order to participate we have to go in at the beginning phase.

After a brief question and answer session, Mr. Gillespie moved on to the next subject, Regional Priorities - established in April 2002; 1) Economic Development, 2) Revenue Restructuring, 3) Water and Sewer resources, 4) Regional Health Insurance and 5) Solid Waste Management. These are going to be worked on over the next five years. Mr. Gillespie asked if anyone had any questions regarding these five priorities. Mr. Gillespie is asking the Board to adopt a resolution accepting these initiatives and their priorities.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution:

**RESOLUTION FOR THE ADOPTION OF THE REGIONAL INITIATIVES AND
THEIR PRIORITIES BY THE CENTRAL VIRGINIA LOCAL GOVERNMENTS**

WHEREAS, the Region 2000 Regional Commission in an effort to plan for the future of the Central Virginia area held a joint meeting of the Region=s local governments in April 2002, to discuss

regional strategic initiatives and;

WHEREAS, following those discussion five initiatives were identified, economic development, local government revenue restructuring/enhancement, water & sewer resources, health insurance, and solid waste, that merited the Region=s cooperative efforts, and;

WHEREAS, the development of these strategic initiatives gives clear direction as to the future focus of the Regional Commission and identified the priorities of those initiatives, and;

WHEREAS, the regional operation demonstrated in the establishment and pursuit of these initiatives continues a long-standing tradition among the Central Virginia communities that is unequalled in the Commonwealth.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Appomattox County does hereby approve the strategic initiatives and their related priorities identified by the Region 2000 Regional Commission and hereby signifies that approval by its adoption of this resolution.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Gillespie presented to the Board as an informational item the merger of Regional Partnership, Virginia=s Region 2000, Regional Commission and the Region 2000 Workforce Investment Board. If you have any comments or concerns, please present them to Mr. Carter or Mr. Carroll who are your representatives on this commission.

Mr. Carter thanked and excused Mr. Gillespie and called upon the Electoral Board, Mr. Fred Underwood, Mr. Joe Foxwell and Mr. Dick Wingfield, to address the Board.

Mr. Underwood stated they have been pushed hard about accessibility. Most public buildings were grandfathered unless you done some upgrading, polling places were not grand fathered. Upon inspection, nine of our polling places were not handicap accessible, neither is the registrar=s office.

The Secretary of the Board of Elections come down for an inspection and we need to put in concrete landing pads, sidewalk up to the door, handicap signs and lever type door knobs. The estimate for this work is around \$9,481.00. These improvements need to be completed for certification prior to the November election. In essence, we need to start work tomorrow.

Mr. Kendrick made a motion seconded by Mr. Carwile to provide the Electoral Board with the funds necessary to upgrade the polling places for certification. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called upon Mr. Fred Lawson to address the Board concerning the Courthouse.

Mr. Lawson stated the Moore plan presented tonight eliminated everything he had to say. He did however, congratulate the Board for admitting to a mistake and having the guts to correct it. He also

suggested that a committee be set up to work with the Judge on this proposed plan.

Mr. Carter next asked Mr. Bill Jamerson to address the Board. Mr. Jamerson was also scheduled to discuss the Courthouse issue. He stated he had sat where the Board members were sitting and there are always tough decisions and he admires the Board for doing the right thing. Many times you have information that cannot be conveyed to the general public and you have to act on what information you do have. He is hopefully that the petitions will go away, this petition was presented to many citizens as a petition to save the Courthouse, this was not true, it was in fact, a petition to locate the courthouse on the property across the street.

He agrees that a small committee should be appointed to work with the Judge and the architect to develop the new plans. He feels that Ms. Barbara Williams should serve on this committee. He also suggested that the County Attorneys were not furnishing the Board with good information. He feels we should fire the attorneys.

Mr. Carter stated that in light of results of the discussion on the Courthouse, a Closed Session would not be necessary tonight.

Mr. Kendrick stated he felt a motion was necessary to set up the committee to work with the Judge and the Architect in regards to the new courthouse plans.

Mr. Kendrick made a motion, seconded by Mr. Carwile to set up a committee to oversee the planning of the new courthouse project. This committee to consist of Ms. Barbara Williams, Mr. Bill Jamerson, one (1) Board Member and Judge Blanton. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter made a motion seconded by Mr. Carwile to appoint Mr. Russell Moore to serve on the proposed committee as the representative from the Board of Supervisors. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. **Courthouse Purchase Proposal:** With the proposal to build the new courthouse on the present courthouse property, the proposal from John & Patsy Wilson to purchase the A Courthouse Square@ and the old Courthouse building, will be eliminated at this point in time.

4. **Planning Commission Recommendations:** The Planning Commission has recommended approval of the petitions heard at the August 19th, 2002 Public Hearing.

Mr. Kendrick made a motion seconded by Mr. Moore to approve for reasons of public necessity, convenience, general welfare, and good zoning practice, the following petition:

02-506 - Robert Stephens: Pr-zone property from A-1 Agricultural to R-1 Residential per '170-8 of the Appomattox County Zoning Ordinance. Property is located on Rt. 703 between US 460 and Rt. 685, Tax Map #62(2)6. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Hancock made a motion seconded by Mr. Moore to approve the following petitions:

02-507 - William Edward Walker: Amend conditional use permit to construct addition to existing business building. Property is located on US460 between Rt. 622 and Rt. 628, Tax Map #102(A)21A, and is zoned R-2 Residential.

02-508 - John K. Barksdale: Conditional Use Permit for sale and display of prefabricated accessory building at an existing business per ' 170-51 of the Appomattox County Zoning Ordinance. Property is located on US 460 between Rt. 609 and Rt. 667, Tax Map #60(4)B and is zoned M-1 Industrial. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

5. **Road Viewers Report:** The Road Viewers Committee consisting of Claude A. Moore, W. H. Craft and John Fitch have recommended that Brandonwood Lane Road be accepted into the state secondary road system at a 50/50 rate. The Landowners would be required to fund 50% of the necessary cost to improve the road to state standards. A resolution needs to be approved by the Board.

Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the following resolution:

WHEREAS, the Board of Viewers on August 2, 2002, viewed the following requested section of road for eligibility as a new addition to the Secondary Road System and recommends to the Board that it be added to the Secondary Road System.

BE IT RESOLVED, this Board does hereby accept the Board of Viewers report and will request the Virginia Department of Transportation to add the following section to the Secondary Road System of Appomattox County when the necessary unrestricted fifty (50) feet of right of way is obtained, required utility adjustments are completed and funding is available.

BE IT FURTHER RESOLVED, this Board establishes that the following street be eligible for acceptance under Section 33.1-72.1 Paragraph AC@ of the Code of Virginia. .

BRANDONWOOD ESTATES

Brandonwood Lane - Beginning at Route 669 and ending at a cul-de-sac, a distance of approximately 0.61 mile

Estimated cost - \$73,200 50/50/ funding

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. **Board Appointments:**

- a. **Regional Renaissance:** Ms. Barbara Bennett has requested that the Board appoint an individual to the Regional Renaissance Board. Mr. Fred Underwood has agreed to serve in this capacity and represent Appomattox if appointed by the Board.

Mr. Moore made a motion seconded by Mr. Kendrick to appoint Mr. Fred Underwood to represent Appomattox County on the Regional Renaissance Board. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

b. Comprehensive Economic Development Strategy (CEDS) Committee: This committee is required to qualify for funding from the Economic Development Administration (EDA). The CEDS document is reviewed annually and updated every five years, on the same cycle as the Comprehensive Plan. The EDA could be a funding partner in various community improvement projects such as water source development and infrastructure, workforce training center, etc. Staff is recommending that the Board endorse the creation of the CEDS committee. If this committee is approved, appointments will be made at the next meeting.

Mr. Kendrick made a motion seconded by Mr. Moore to table this issue until the next meeting.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

c. Workforce Training Center: The Board has received a feasibility study of the establishment of a workforce training center in Appomattox. Staff has provided the proposed scope of work outline for the project and a list of individuals that have been contacted and are willing to serve on the committee. The Board needs to appoint the Workforce Training Center Committee to finalize the proposed scope of work.

Mr. Kendrick made a motion seconded by Mr. Hancock to appoint the Workforce Training Center Committee as presented.

Al Sears, Beverly Ayers, Bill Slagle, Bob Babiley, Brett A. Vassey, Claude A. Moore, Connie Staneck, Danny Inge, David Burtis, Del. Watkins Abbitt, Dr. Walter Krug, Garnett Mills, Harry Blair, Sr., Joyce Bennett, Martha J. Eagle, Mike Rieley, Sarah Terry, Sen. Frank Ruff, Stan Goldsmith, Theresa Bryant, Tina LeValley, Tucker Watkins and Winfred Nash.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

7. **Appomattox Volunteer Fire Department:** The Appomattox Volunteer Fire Department building committee is requesting that the board give consideration to possibly funding the full \$150,000.00 in FY 2003 for the construction of the new AVFD building. The Board has committed to \$25,000.00 for 6 years as previously requested. The purpose of this request is to save paying interest on the loan for the building.

After some discussion regarding what impact this would have on the County budget, the consensus of the Board was to have the County Administrator look into this matter and present his findings at the next meeting.

8. **Letter to Commission on the Future of Virginia=s Environment:** Staff has prepared a letter to this Commission as it studies the biosolids issue. The Commission will make a recommendation to the Senate and House committees of the General Assembly concerning the regulation of biosolids in Virginia.

Mr. Carwile made a motion seconded by Mr. Kendrick to support the sending of this letter to the

Commission on the Future of Virginia=s Environment. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **CONSENT AGENDA:** (Items 9 - 12)

Approval of Bills: approve bills as presented for payment.

Board Actions:

9. **Festival Permit:**

1. Stonewall Vineyards is requesting to hold a festival on September 7th. Permit application and fee has been submitted and they are requesting bond requirement be waived.
2. Historic Appomattox Railroad Festival is requesting use of County property for the upcoming festival and a permit for a fireworks display. The fireworks permit should include a cautionary statement relating to dry weather conditions.
3. American Legion Memorial Service for September 11, 2002: Requests permission to hold a memorial service at the Courthouse on September 11, 2002.

10. **Transfer of Funds:**

1. E-911: Please transfer \$207.24 from the Special E-911 Fund to the General Revenue Fund for the purpose of paying for advertising the E-9211 RFP. Also supplement 3606-3007 Advertising by \$207.24 to reflect this expenditure.
2. Courthouse Maintenance: Transfer \$105.88 from Courthouse Maintenance Fund to General Revenue Fund for repairs to the metal detector in the courthouse.

Supplemental Appropriations:

11. Sheriff=s Department: Approve supplemental appropriations of \$100.00 3102-5408 - Vehicle Power Equipment Supplies.
12. E-911: Approve supplemental appropriation of \$65,000.00 - 3606-5417 - Signage.

Mr. Moore made a motion seconded by Mr. Kendrick to approve the consent agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next called the Board=s attention to **Informational Items:**

13. Letter from Governor Warner: Letter acknowledging the County=s drought designation resolution.
14. Letter from U. S. Representative Goode: Letter acknowledging receipt of the County=s resolution supporting the Pledge of Allegiance as currently written.
15. Landfill VPDES Permit Advertisement: Public notice for the proposed VPDES permit for the County Landfill that will run in the Lynchburg News & Advance for two weeks.
16. Press Release - Comprehensive Plan: Press release issued to highlight the development of the Comprehensive Plan and to solicit citizen input into the process.
17. Letter from Mrs. Estaline McCraw: Letter from Mrs. McCraw concerning Boards decision on

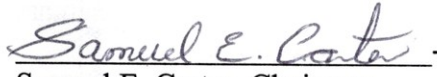
- Courthouse project.
18. Virginia Assoc. Resource Conservation & Development: Request to participate in the 1st Virginia Rural Development Summit on September 24 in Charlottesville.
 19. Town of Appomattox: Town Council=s Agenda for August 2002.

Mr. Carter called from **Supervisor=s Concerns:**

Mr. Carwile had several concerns he wished to express. Among these were not being informed of what was going on with other Board members concerning the courthouse matter, the deadline for citizens to be on the Board Agenda, and his understanding that County employees could not sign the Courthouse petition.

Mr. Carter stated there were two upcoming meetings: Monday, September 16, 2002 at 6:00 p.m. and Monday, October 7, 2002 at 6:00 p.m.

At 8:30 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, September 16, 2002 the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held a joint meeting with a public hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman - Courthouse District
Frank H. Carwile - Wreck Island District
Russell H. Moore - Piney Mountain District
Jerry G. Kendrick - Appomattox River District

ABSENT: (Board of Supervisors:

Jesse L. Hancock - Falling River District

ALSO PRESENT:

John K. Spencer, Assistant County Administrator
Brandon Stidham, County Planner

PRESENT: (Planing Commission)

Kevin O'Brien - Chairman

Jerry Hughes
Calvin Tanner
Steve Conner
Robert Johnson
Susan Hudson
Jim Sefter
John Wilson
Marvin Mitchell

ABSENT: (Planning Commission)
Al Sears - Vice Chairman

At 6:33 Mr. Carter opened the meeting and gave the invocation.

Mr. David Garrett, Town Manager of Appomattox and Ms. Nykia Douglas, Region 2000 Regional Commission are to meet with the Board tonight to discuss the Rural Transportation Planning Grant to install sidewalks to service the new elementary school. Also a resolution of support and a matching fund of \$675.00 is required.

Mr. Garrett came forward and stated Ms. Douglas was unable to attend. Mr. Garrett stated that the Town had applied for grants to provide for sidewalks along Lee-Grant Avenue near the new elementary school. They have received a \$9,000.00 planning grant to help pay for the planning and design of this project. This sidewalk would run from Lee-Grant Avenue and Maple Street along Lee-Grant into the new elementary school. From the elementary school along Ferguson Street and into the primary school and eventually into Court Street. In this way, all the schools would eventually be tied together by sidewalks, allowing the children, if necessary to walk from school to school safely.

The School Board has provided \$500.00 toward the planning grant and hopefully the town and county to split the remainder. This is a 80/20 matching grant. They would also like to apply for a construction grant this fall - also a 80/20 match

Mr. Garrett is requesting that the Board of Supervisors provide the \$675.00 toward the planning grant and also adopt the resolution of support.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the contribution of \$675.00 toward this project and also adopt the following resolution of support:

Resolution

WHEREAS, The Town of Appomattox has experienced a tremendous amount of growth within the last to years, including the addition of a new elementary school within walking distance of both the primary and high schools; and

WHEREAS, the expansion of neighborhoods and community growth have resulted in the

need to address pedestrian safety along the roads; and

WHEREAS, the Town has applied for a Rural Transportation Grant to fund the planning process and assess the need for the addition of a pedestrian connection that would provide a safe means of transportation for pedestrians; and

WHEREAS, in order to initiate the planning process, the Town of Appomattox has requested support from the Appomattox County Board of Supervisors in their efforts to produce a pedestrian safety study.

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox County Board of Supervisors does hereby support the town of Appomattox in its efforts to produce a pedestrian safety study funded by the Rural Transportation Planning Grant.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Since the meeting was running ahead of schedule, Mr. Carter asked for a consensus of the Board to move to the **Administrative Items** on the Agenda.

1. **Regional Health Insurance Initiative:** At the last meeting Mr. Gillespie of the Region 2000 Regional Commission request that the Board consider participating in the regional health insurance consortium, at a cost of \$3,500.00

Mr. Carter stated that it had come to his attention that this \$3,500.00 is to be split three ways - town/county/schools

After some discussion, Mr. Kendrick made a motion seconded by Mr. Carwile that the County participate in this program in order to get a better plan with better rates. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. Courthouse: At the last meeting the Board appointed a committee to work on planning the courthouse. There are issues regarding this project that may not fall under the purview of this committee. It is requested that the County Administrator be authorized to undertake the necessary steps to ensure that those items not addressed by the committee are completed. The Board may ask Mr. Moore, as a member of the committee, to coordinate the efforts of the committee and staff and to provide any direction needed for the project as the Board's representative.

Mr. Moore stated that Ms. Williams had sent each Board Member a letter outlining what was discussed at the Committee meeting held last week

After some discussion, the Board by consensus agreed to have Mr. Moore act as a facilitator between the Committee and staff, and to authorize the County Administrator to take care of certain things such as demolition of Hunter House, finding office space for those offices to be relocated, etc.

At 7:00 p.m. Mr. Carter opened the Public Hearing with the Planning Commission and read the following statement:

- This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.
- Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.
- We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham.

Mr. Stidham stated there was one Zoning Petition and one amendment to the Appomattox County Zoning Ordinance to be heard. Mr. Stidham read the first petition:

02-509 - Shirley D. Wheeler, Dean S. Hamilton, Frank R. Brina and others. Rezone properties from R-1 Residential to A-1 Agricultural per §170-8 of the Appomattox County Zoning Ordinance. Properties are located on Rt. 644 between Rt. 727 and Dead End. Tax Map Number for these properties are available in the County Administrator's Office.

Mr. Stidham called for comments regarding this petition.

Mr. Shirley D. Wheeler, Route 5, Box 800, Appomattox, Va. came forward and stated she lived on a cul-de-sac on Route 644. She recently had a fire and wished to put a mobile home on her property which already has mobile homes on adjacent lots. Her neighbors are in agreement with her on this rezoning. She has also found out that she could do a re-zone to R-2 with conditional use. She would, therefore, like to ask for an amendment to change from R-1 to A-1 to R-2 with conditional use.

Mr. Frank R. Brina of Route 5, Box 809, Appomattox, Va. came forward and stated he has no objections to this petition. He presently lives in a double-wide and there are also other mobile home in the neighborhood.

Ms. Anna Hamilton, Route 5, Box 818, Appomattox, Va spoke next. Ms. Hamilton has no objections to the petition. Her property is currently zoned A-1 adjacent to the cul-de-sac and she also lives in a mobile home.

Mr. Walter Davenport, Route 644 and Rt. 727, Appomattox, Va. spoke against this petition. Mr. Davenport stated he had requested to place a mobile home on his property but was denied permission. He is not against the placement of a mobile home on this site, he is against the rezoning to agriculture. He is concerned about livestock being permitted on the small lots.

Mr. Don Zuppello, Rt. 5, Box 806, Appomattox, Va. spoke against this petition. Mr. Zuppello stated he has lived on the cul-de-sac for the past 16 years. Originally the property was zoned R-1 in 1988 but there were four mobile home that are grandfathered. The A-1 designation bothers him because the undeveloped lots could be clear-cut and used as pasture land. He is also concerned about the use of biosolids. Some of the residents believe that their tax burden would be lower in an A-1 district but this is not true. He feels that the area should remain as R-1.

Mr. William Pruett, 8770 Hughes Land Road, Mechanicsville, Va . stated he was against this rezoning because of the agricultural uses that could come with the rezoning.

Mr. Stidham asked if anyone else wished to speak on behalf of this petition.

Mr. Stidham then presented an amendment to the County Zoning Ordinance - Lot Width Definition Amendment, August 2002. This amendment will amend the definition of "lot width" per §170-3.

No one spoke for or against this amendment.

At 7:17 p.m. the Public Hearing was closed. Mr. Carter also called for a five (5) minute recess.

At 7:21 p.m. Mr. Carter resumed the Board meeting and called for the next item on the agenda.

3. Public Comment Period: Staff has prepared a revised draft of the Public Comment Period for the Board's consideration. This revision includes an opportunity for the public to address the Board at every regularly scheduled Board meeting and limits the time to 10 minutes per person for a 30 minute period at the beginning of the meeting. If additional speakers wish to address the Board, time will be available at the end of the meeting before adjournment to receive these comments. If these recommendations are not satisfactory to the Board, then the Board should consider appointing a citizens group to review the proceedings for an open public comment period and report back to the Board with a recommendation or continue with the current policy of contacting the administrator's office before 4:30 p.m. on the Wednesday prior to the Board meeting.

Several Board members made comments regarding the draft and what changes they perceived should be made in the final document, especially the last sentence.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the Open Public Comment Period for Citizens of Appomattox County as amended.

Open Public Comment Period For Citizens of Appomattox County

The Board of Supervisors hereby creates a designated opportunity for citizens of Appomattox County to address the Board concerning issues of importance to the County and citizens. The Board has designated the first thirty (30) minutes of every regularly

scheduled meeting (The first and third Monday of each month unless this date is a holiday, in which case it will be the following Tuesday) for the purpose of receiving this open public comment.

The following rules of participation will apply so that several citizens may use the time allotted to present their concerns and the Board can complete their scheduled business on the same meeting night.

- Each speaker shall confine his/her comments to a maximum of ten (10) minutes. This allotted time includes any time spent by the Board members answering or asking questions of the speaker.
- A sign up sheet will be used to identify potential speakers for the comment period. The sign up sheet will be available at the Board's designated meeting location (currently the courthouse) thirty (30) minutes prior to the start of the meeting. Individuals wishing to speak will need to sign this sheet before the start of the meeting. The speaker order shall be determined on a first-come first-served basis.
- The Board will allow as many speakers as possible to speak during the initial thirty (30) minute period. For the purpose of conducting other County business, the Board will close the initial period after thirty (30) minutes and will allow others still wishing to address the Board to do so after other business has concluded and before the Board adjourns.
- Individuals shall conduct themselves in an appropriate manner during there presentation. All participants (speaker and audience) are expected to conduct themselves appropriately during this time and treat the Board and fellow audience members with respect while both speaking and listening.
- An individual will not be allowed to yield time to another speaker or have a designee speak. The person that signs up to speak shall be the speaker. This is only fair to everyone involved.
- If time permits, citizens not signed up to speak may be granted permission to speak at the sole discretion of the chairman. In no case will a person granted permission to speak be allotted more than ten (10) minutes unless the chairman agrees.
- If there is only one speaker for any given public comment period, this speaker cannot use the entire thirty (30) minutes. He/She would be restricted to the same ten (10) minute time limit unless the chairman grants an extension of time.
- If at any time the audience behaves in such a manner that it interrupts the speaker, the time it takes for the audience to return to order will not be counted against the speaker.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. The 2003 Virginia is for Lovers Travel Guide: The Lynchburg Regional Chamber of Commerce is again coordinating a regional cooperative advertisement package for the 2003 Virginia is for Lovers Travel Guide. Appomattox County participated in the 2002 regional advertisement along with Amherst County, Bedford City/County, Campbell County, Nelson County and the City of Lynchburg. This year, the Chamber has been offered a two-page, four-color package by the publishers of this guide. The cost to Appomattox would be approximately \$3,600.00 if all six localities were to participate.

After some discussion on the benefits and return on investment, Mr. Kendrick made a motion seconded by Mr. Carwile to participate in the 2003 Virginia is for Lovers Travel Guide contingent upon the participation of the other six (6) localities. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

5. Water Restriction Ordinance: Governor Warner's Executive Order 33 (EO33) essentially declared a state of emergency due to the drought and placed restrictions upon the use of both ground and surface water in most of the Commonwealth. VACo has developed a model ordinance for those counties that wish to enforce the water restrictions imposed by EO33. Staff recommends the Board consider the amount of staff time and effort it would take to enforce this ordinance before proceeding with its adoptance/consideration.

Mr. Spencer stated that the Sheriff's Department would in effect be responsible for the enforcement of this ordinance. The County Administrator's staff would have to be responsible for the research involved should someone is penalized and file an appeal.

After some discussion, Mr. Kendrick stated the County is not in the business of water, the town is. Mr. Carwile agreed. The Board by consensus took no action on this matter.

Mr. Carter moved to the **Board Appointments:**

6. Comprehensive Economic Development Strategy (CEDS) Committee: A CEDS Committee is required in order to qualify for funding from the Economic Development Administration (EDA). The CEDS document is reviewed annually and updated every five years, the same cycle used for the Comprehensive Plan. Staff recommends that the Board endorse the creation of the CEDS Committee and invite the various political bodies to name participants to this committee. This item was tabled from the last meeting.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Carwile to approve the creation of a Comprehensive Economic Development Strategy (CEDS) Committee as proposed by the County Administrator's staff. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Consent Agenda:** (Items 7 - 9)

7. Approval of Bills: Approve bills as presented.

8. Supplemental Appropriations:

A. Legal Services: Please approve by consent the following supplemental appropriations for legal costs related to Courthouse Litigation and Biosolids Litigation:

1204-3002 - Professional Services \$55,757.24

B. Library: Please approve by consent supplemental appropriations as requested by Ms. Gibbs:

7301-5401 - Office Supplies \$ 296.78

7301-5411 - Books 662.53

C. Landfill: Please approve by consent following supplemental appropriations reflecting an insurance reimbursement as requested by ms. Rockefeller:

4203-3004 - Repair & maintenance \$18,610.00

After some discussion, Mr. Moore made a motion seconded by Mr. Kendrick to approve the Consent Agenda with the exception of Item 8- A. - Legal Services. The Board would like further clarification on this item. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then called attention to the **INFORMATIONAL ITEMS:**

9. Town of Appomattox: Town Council's agenda for September 9, 2002.

10. School Board Monthly Financial Report: School financial report for the month of October 2002.

11. Village Garden Green House: Correspondence from Zoning Administrator concerning this item.

12. Department of Historic Resources: Letter from Virginia Department of Historic Resources concerning Board's decision not to demolish the Courthouse.

13 Letter Concerning Courthouse Decision: Letter from Mrs. Russell B. McCormick concerning the Board's decision to not demolish the Courthouse.

14 VACo Letter Concerning State Funding Cuts: Letter from VACo Director of Public Finance addressing ramifications of the \$11.5 billion budget cut by the Governor.

15. Public Information Sessions: Comprehensive Plan information sessions schedule.

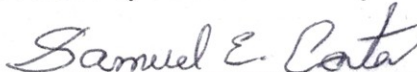
16 Deed Transfer - New Elementary School: Information regarding the transfer of ownership of new Appomattox Elementary School to School Board.

Mr. Carter next called for **Supervisor's Concerns**. Hearing none, Mr. Carter called attention the upcoming meeting:

Monday, October 7, 2002 - Regular Board Meeting - 6:30 P.M.

Monday, October 21, 2002 - Regular Board Meeting- 6:30 P.M.

At 7:49 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn.


Samuel E. Carter, Chairman

On Monday, October 7, 2002 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District

ABSENT:

Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
 Dan Siegel, Attorney – Sands, Anderson, Marks & Miller
 Lee Byrd, Attorney – Sands, Anderson, Marks & Miller

At 6:34 p.m. Mr. Carter called the meeting to order and asked Mr. Hancock to give the invocation.

Mr. Carter welcomed those present and asked if anyone wished to speak during the Public Comment period.

Mr. Carter asked Mr. Don Austin, Resident Engineer -Virginia Department of Transportation to appear before the Board to provide an update on the current year's six-year plan and to discuss the process for beginning the next six-year plan.

Mr. Austin handed out the revised 6-Year plan as approved. It is time to start over for next year. He asked Mr. Carroll to set up a meeting date for the next work session. He also gave Mr. Carroll some dates that he would not be available, October 15th - 18th and 21st.

The Secretary of Transportation and the VDOT Commissioner will have a meeting in Lynchburg on November 6th and are inviting County Administrators and Board Chairmans to attend. You may send designee if you so desire.

The budget cuts may not impact VDOT as much as some of the other agencies. December 2nd was set as the public hearing date for the 6-year plan and the Board needs to pass the resolution at the next meeting.

Tuesday, October 22nd at 6:00 p.m. was selected as the date for the work session to be held at the VDOT office in Appomattox. Mr. Hancock will not be able to attend and Mr. Carroll will check with Mr. Kendrick.

Mr. Carter thanked and excused Mr. Austin.

At 6:45 p.m. Mr. Carter stated a closed meeting was necessary in accordance with §2.2-3711(A).7 of the Code of Virginia, for the purpose of consultation with legal counsel and briefings by staff members pertaining to litigation, "Commonwealth of Virginia vs. Board of Supervisors" (courthouse litigation), "Aubrey R. Padgett, III vs. Board of Supervisors" (FOIA) and "O'Brien et.al. vs. Board of Supervisors" (biosolids regulations) and also for consultation with legal counsel concerning the contract between the County and Craddock-Cunningham Architectural Partners.

Mr. Moore made a motion seconded by Mr. Hancock to enter into a closed meeting in accordance with §2.2-3711(A).7 – Legal Consultation. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

At 7:59 p.m. on a motion by Mr. Moore seconded by Mr. Carwile the board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter then read the certifying motion:

Whereas, this Board convened in a closed meeting under Section 2.2-3711(A)7 Of the Code of Virginia for the purpose of consultation with legal counsel.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter called for the **ADMINISTRATIVE ITEMS:**

1. **Action from Closed Session:** Mr. Carter stated there were actions to be taken as a result of the closed meeting.
2. **Planning Commission Recommendations:** The Planning Commission recommends that no action be taken on Petition 02-509 Shirley D. Wheeler, etal, as this petition was tabled until the October 2002, meeting. However, the Planning Commission does recommend that the Board adopt the changes to Zoning Ordinance – "Lot Width" as proposed.

Mr. Carwile made a motion seconded by Mr. Moore to accept the Planning Commissions recommendation on the word change pertaining to "Lot Width" in the Appomattox County Zoning Ordinance. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

3. **New Elementary School Site:** The County Attorney has advised us that before any interest in real property can be conveyed by a local government, the governing body must hold a public hearing as per §15.2-1800,B of the Code of Virginia, on the conveyance and thereafter vote to approve such conveyance. Said public hearing must be advertised at least seven days before the date set for the hearing. Staff is requesting authorization to advertise a public hearing on the conveyance of the new Appomattox County Elementary School property.

Mr. Carwile made a motion that the Board of Supervisors schedule a Public Hearing on the conveyance of the new Appomattox Elementary School property at the next regularly scheduled meeting, October 28th, 2002. Mr. Hancock seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

4. **Public Safety Committee:** This committee is requesting the Board to fund a study by a consultant to determine the best method to upgrade the radio system for use by emergency services agencies. This will be outside the scope of the Enhanced 911 system but will play a large part in that project's overall success once implemented. Also the Board may wish to have a member of this committee or Mr. Freddy Godsey, Emergency Services Coordinator attend a future meeting to provide more background information on this subject.

After some discussion this issue was tabled and Mr. Carroll was instructed to invite Mr. Godsey to attend a future meeting to provide more information.

5. **Water Study Recommendation:** The Town/County committee established to conduct the RFP's for this process are recommending that the firm of Wiley & Wilson be retained to perform this study for an approximate fee of \$38,800.

Mr. Carwile made a motion seconded by Mr. Moore to accept the RFP from Wiley and Wilson to perform this study contingent upon approval of the Appomattox Town Council. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter next called the Board's attention to the next item on the agenda:

Board Appointments:

6. **CEDS (Comprehensive Economic Development Strategy) Committee:**
Staff has provided a list of individuals who have agreed to serve on this committee. The Board needs to appoint these individuals if acceptable. Two (2) Board members are also needed to serve. The Town of Appomattox and the Planning Commission will make their respective appointments at an upcoming meeting.

Mr. Moore made a motion seconded by Mr. Carwile to accept the recommendation of the individuals and volunteers who have agreed to serve on the CEDS Committee.

Robert Johnson, Susan Hudson, Amy Martin, Albert Carter, Bill Gilleland, Garnet Mills, Milton Chambers, Jennifer Jamerson-Scruggs, Bob Parton, Kevin O'Brien and Bill Slagle.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

After some discussion, Mr. Moore made a motion seconded by Mr. Hancock to appoint Mr. Frank Carwile and Mr. Jerry Kendrick to serve on this committee as representatives of the Board of Supervisors. If Mr. Kendrick is unable to serve in this capacity, Mr. Samuel Carter volunteered to serve. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Carter, aye.

7. **Work Force Training Center Project:** A member of the Board of Supervisors needs to be appointed to serve on this committee. These meeting will likely be held during the day.

Mr. Jesse L. Hancock volunteered to serve on this committee.

Mr. Carwile made a motion seconded by Mr. Moore to appoint Mr. Jesse Hancock to represent the Board of Supervisors on this committee. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

8. **Fire Department Building:** At the September 3rd meeting the Appomattox Volunteer Fire Department requested that the Board consider paying the full \$150,000 for the construction of their new building in FY03 so they could avoid financing this portion of the project. The Board has agreed to pay \$25,000 a year for a six (6) year period. If the Board wishes to grant this request, funds would have to be transferred from the budgeted amount for Capital Improvement Funds.

Mr. Moore stated that due to the present economic situation we cannot spend reserves. Budget constraints will most likely get even tougher than they are at the present time. Mr. Carwile and Mr. Hancock agree with Mr. Moore that this cannot be done at this time. Maybe things will be better next year.

The Board by consensus agreed to stay with the present budgeted amount.

9. **Meeting Dates:** Mr. Kendrick has requested that the Board consider changing the upcoming meeting schedule. He will be out of the Country and unable to attend as the schedule is presently. Staff recommends that the scheduled meeting for October 21st be changed to October 28th and eliminate the November 4th meeting. This change will not create any administrative problems.

After some discussion, Mr. Carwile made a motion to change the meeting scheduled for October 21st to October 28th and eliminate the meeting for November 4th. Mr. Moore seconded this motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter stated the next item for consideration was the **Consent Agenda:** (items 10-12)

10. **Approval of bills:** Approve bills as presented.

11. **Supplemental Appropriations:**

A. **Legal Services:** Supplemental appropriation for legal costs related to Courthouse litigation and Biosolids Litigation: (a large portion of this was tabled at the last meeting):

1204-3002 Professional Services \$75,924.00

B. **Library:** Supplemental Appropriations as requested by Ms. Gibbs:

7301-5401 Office Supplies \$ 216.02

7301-5411 Books 432.80

C. **Sheriff:** Supplemental Appropriation reflecting rebates from Canon on equipment purchased by Sheriff's Department:

3102-7001 Equipment \$ 200.00

D. **Maintenance:** Supplemental Appropriation reflecting insurance payment for a HVAC unit damaged by lighting.

4302-3002 Professional Services \$ 1,080.00

E. **Health Insurance:** Supplemental Appropriations to reflect the increase in health insurance premiums by department. This also reflects the addition of a new line item "1101-2006 Retiree Benefits" to account for retiree health insurance benefits. Retirees will pay their premiums to the County and the County will issue a check to insurance company as requested by insurance company.

Trigon Medical Insurance \$ 20,037.00

Board Actions:

12. **Good Samaritan Exchange:** St. Anne's Episcopal Church – Good Samaritan Clothing Exchange located in the lower level of the Health Department has requested a change in hours of operation on Thursdays from 2:00 p.m. – 6:30 p.m. to 1:00 p.m. – 5:00 p.m.

Mr. Hancock made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter presented the **Informational Items:**

13 **Nesbe Cable:** Nesbe General Manager, Danny Jobe has furnished information regarding new channels now available.

14. **Drought Designation:** Letters have been received from Gov. Mark Warner and Senator George Allen regarding the disaster designation of Appomattox County.

15. **Cigarette Tax:** Letter received from Delegate Watkins M. Abbitt, Jr. regarding the request for equal taxing authority with that of towns and cities.
16. **Animal Shelter Inspection Report:** Report from Department of Veterinary Services on inspection of County Animal Pound on 9-20-02.
17. **State Budget:** Letter from Secretary of Finance, John M. Bennett concerning actions that the state plans to take to address budget problems.
18. **Festival Update:** Update on the results of the End of Summer Festival. The Board waived both fee and bond requirements.
19. **Chamber of Commerce:** Information on planned Reenactment and Banjo Living History Festival that the Chamber is spearheading for September 2003.
20. **Town of Appomattox:** Agenda for Council's meeting of 9-24-02.
21. **Regional Dinner meeting:** Fall Regional Dinner meeting is scheduled for October 17. Contact County Administrator if you wish him to RSVP for you. Mr. Moore and Mr. Carter will be attending at their own expense.
22. **Village Garden Green House:** E-mail and staff memo concerning the resolution of this matter. The Hon. Virgil Goode, U. S. Representative was very instrumental in resolving this matter satisfactorily.

Mr. Carter next called for Supervisor's Concerns:

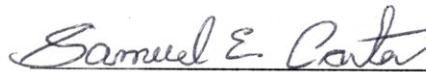
Mr. Carwile stated he has received a lot of complaints regarding Nesbe Cable. Lots of complaints regarding snowy picture and complete failure of cable system. Mr. Carroll will pass this information on to Mr. Jobe.

Mr. Moore stated he was glad that the situation with the sign for Village Garden Greenhouse had been resolved, as it was a very nicely done sign with flowers, etc.

Mr. Carwile is also concerned about Biosolids. He receives numerous calls regarding this issue. He is also asking that the County Administrator write a letter of appreciation from the Board to Mr. Clayton Bryant for the withdrawal of his application to spread biosolids. He wishes more of the farmers in the County would follow his lead, eliminating this problem.

At 8:34 p.m. Mr. Hancock made a motion seconded by Mr. Moore to adjourn.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, October 28, 2002 the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held a joint meeting and public hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District (arrived at 6:34 p.m.)

PRESENT: (Planning Commission)

Kevin O'Brien – Chairman
Al Sears
Calvin Tanner
Jerry Hughes
Steve Conner
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

ABSENT: (Planning Commission)

Jim Sefter

PRESENT: (Appomattox Town Council)

Ronald Spiggle, Mayor
Marvin Mitchell
Norman (Jimmy) Mayberry
Joyce Bennett
Steve Lawson
Lewis McDearmon

ABSENT: (Appomattox Town Council)

W. H. (Buddy) Carson

ALSO PRESENT:

Andy Carroll – County Administrator
Brandon Stidham – County Planner
Dan Siegel, Attorney – Sands, Anderson, Marks & Miller
Lee Byrd, Attorney – Sands, Anderson, Marks & Miller

At 6:31 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter opened the Citizens Public Comment Period:

Ms. Barbara Williams, Clerk of the Circuit Court came forward. Ms. Williams stated this was a joint effort of the Constitutional Officers, Ms. Janet Belter, Treasurer; Mr. Monte Mays, Commissioner of Revenue; Mr. Wilson Staples, Sheriff; Mr. Darrel Puckett, Commonwealth Attorney, regarding the State budget cuts made by the Governor. The total cut for the County would be \$45,329.00. They have met with each other, their association groups and hope they will have some influence on any further cuts by the State.

They are asking the Board to look at their budgets and see that they have been most conservative and that they, for the most part, do not spend all the funds that they are budgeted. The only option open to them is to cut personnel. This would not only have a drastic impact to their offices, but to services offered to the County as well as to the persons who are without a job. All of our offices work closely with one another, therefore, personnel cuts would slow down these services. They may even have to limit hours open to the public, in order to get the work done. They would appreciate any assistance the Board can give them.

Ms. Williams then spoke briefly about the effect the budget cuts will have on her office alone. The Board does not pay any portion of salaries for her office. Salaries are paid from revenue generated over the counter and supplemented by the State. The only thing for her to do is cut personnel. Come Friday, one person will be let go and one person will be put on part-time. Ms. Williams distributed a summary of revenue collected by her office. She would also like to have a decision from the Board no later than Thursday, October 31, 2002.

There was some discussion about how the various offices interact and the payment of salaries by the County, reimbursed by the State. Ms. Williams is the exception, her employees are not included on the County's payroll, but are paid directly by Ms. Williams. Ms. Williams thanked the Board for allowing them to express their concerns as none of them wanted to ask for this.

Mr. Carter thanked Ms. Williams and the other Constitutional Officers for their input and that the Board would get back to them before the 31st of October.

Mr. Carter asked if anyone else wished to address the Board at this time.

At 6:57 p.m. Mr. Carter called for a short recess.

At 7:00 p.m. Mr. Carter declared the joint public hearing in session and read the following statement.

§ This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

- § Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.
- § We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham who read the first petition.

Mr. Stidham read petition **02-509 – Shirley D. Wheeler, Dean S. Hamilton, Frank R. Brina, and others:** Re-zone properties from R-1 Residential to R-2 General Residential with conditions proffered per §170-8 of the Appomattox County Zoning Ordinance. Properties are located on Rt. 644 between Rt. 727 and Dead End. Tax Map Numbers for these properties are available in the County Administrator's Office.

Mr. Stidham called for comments for this petition.

Ms. Shirley Wheeler, Rt. 5, Box 800 (St. Rd. #644) came forward. She would like to place a mobile home on this property. There are other mobile homes in the area. Her home was destroyed by fire and she wishes to replace this home with a mobile unit.

Ms. Anna Hamilton, Route 1, Box 818 stated she supports Ms. Wheeler in this petition. There are other mobile homes on the road.

Mr. Richard Wilson of Rt. 5, Box 803 came forward and stated he presently lives in a mobile home and is in favor of this petition.

Mr. Stidham called for additional comments for or against this petition.

Mr. Don Zuppello, of Rt. 5, Box 806, St. Rd. 644, stated he is against the R-2 zoning. He was also present last month when the previous petition to re-zone to A-1 was submitted. As he understands it, Ms. Wheeler cannot afford to rebuild on her property. If his home was destroyed he does not think he would come to this commission for charity. In essence, this is what this petition is about. This petition is about changing the shape of the neighborhood. He cannot see bringing more mobile homes into the neighborhood. Secondly, he has noticed that one property in the neighborhood has gone up for sale. Could this be because of this zoning?

Mr. Stidham called for additional comments. Hearing none, he read the next petition.

02-510 – O. H. Tolley, Jr. Amend conditional use permit for self-storage business per §170-47 of the Appomattox County Zoning Ordinance. Property is located on a double-frontage lot fronting on U.S. 460 and Rt. 628, Tax Map #102(A)81, and is zoned B-1 Business.

Mr. Stidham called for comments for or against this petition. Hearing none, Mr. Stidham read the next petition:

02-511 – Wesley Ward Snyder: Re-zone property from A-1 Agricultural to B-1 Business with conditional use permit for an auto repair business. Property is located on U. S. 460 between Rt. 633 and Rt. 620, Tax Map #90(A)106B.

Mr. Stidham called for comment concerning this petition.

Mr. Wesley Snyder of Rt., Box 1410, Pamplin, Va. Came forward and stated he is the petitioner. This is not just a business, it will also allow him time to spend with his family/children.

Mr. Stidham called for additional comments. Hearing none, he presented the last petition.

02-512 – Jackie and Nita Mann: Conditional use permit for a game room/pool room in an existing building per §74-202 of the Town of Appomattox Zoning Ordinance. Property is located on Rt. 131 between US460 Business and Rt. 24, Tax Map #64A2(A)79, and is zoned B-1 Business.

Mr. Stidham called for comments on this petition.

Mr. & Mrs. Mann came forward, stated their address as Route 1, Box 1370, Spout Spring, Va. They want to open up a game room in Appomattox.

Mr. James Carson, P.O. Box 196, Concord, Va. Came forward and stated he had no objections to this petition. He owns the property adjacent to the proposed game room.

Mr. Stidham called for comments against this petition.

At 7:11 p.m. Mr. Carter declared the Public Hearing Closed.

Mr. Carter stated the next item on the agenda was a **Public Hearing – Disposal of Property**. This hearing has been scheduled to receive comments on the proposed transfer of the property located on Lee-Grant Avenue to the Appomattox County School Board for the location of the Appomattox Elementary School.

Mr. Carter called for comments, hearing none, he closed the public hearing at 7:12 p.m.

Mr. Carter stated that due to the number of petitions to be considered, the Planning Commission would remain in the courtroom and the Board of Supervisors would reconvene in the Jury Room. Anyone wishing to do so, may move to the Jury Room.

At 7:19 p.m. Mr. Carter reopened the Board Meeting and called Ms. Christine Kennedy, Director of Transportation and Government Affairs, Lynchburg Regional Chamber to

address the Board. Ms. Kennedy discussed the importance of the Regional Airport to the business community. The Chamber has secured a grant to assist in providing additional flights and upgraded services from the Airport, the only one in Virginia to receive such a grant. Two airlines, Delta and U. S. Airways, will upgrade to jet service. As a requirement of this grant, communities were asked to put up a match. They are requesting \$100,000.00 from the community partners, which includes not only businesses in our region, but also the localities that are served by the airport. They are requesting \$3,500.00 from Appomattox County. Amherst and Campbell County have allocated their portion.

Ms. Kennedy answered several questions for the Board members.

Mr. Freddie Godsey, Sheriff's Department and Emergency Services Coordinator addressed the Board on two items. 1) Recommendation from the Public Safety Committee regarding a study of the radio system. 2) Conversion of Jail Library/Storage space into jail cells.

1) Recommendation:

Mr. Godsey asked if anyone has any specific questions. The Public Safety Committee met and discussed the problems they have with the current system. There are some dead spots in the county. Sometimes the vehicles cannot get back to the base station. One of the most serious problems is inter-department communications, with other offices, fire department, rescue squad, etc. They are on three separate frequencies and unable to communicate back and forth. Messages have to be relayed thru dispatch. The majority of the surrounding counties are in a higher band. This problem causes safety concerns for both officers and citizens. This issue will have to be looked at in connection with the E-911 system. We also need to look at inter-agency communications, Town and Landfill, etc.

Mr. Carter asked if the consultant could determine the financial impact of a Regional System.

Mr. Kendrick questioned the possibility of purchase/lease of equipment. From a financial aspect, leasing would be the best as the upkeep/maintenance would be taken care of, along with upgrading from time to time.

2) Conversion of Jail:

Mr. Godsey stated the problem at the jail is overcrowding. They would like to add a bathroom, shower in the present Library/Storage room for use as a cell. This would give space for eight (8) more inmates. The current average population is 27. We also have some inmates housed in surrounding localities. In recent months they have had to turn away persons who are serving their time on week-ends, as they do not have space available.

Looking at long-term solutions would be: 1) Joining a Regional System, 2) adding on to the present jail, and 3) to do nothing and continue to place inmates in surrounding facilities.

After some discussion, Mr. Carwile made a motion seconded by Mr. Moore to support the Sheriff's request to convert Library/Storage room to a cell with the installation of a shower/bathroom at an estimated cost of \$13,500.00.

Mr. Kendrick stated that this is not a fix. He would really like to see a better solution before we get into a court ordered situation of overcrowding.

The original motion was amended to acknowledge that this is a temporary measure and we need to evaluate a long term solution.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (To approve the motion as amended).

After a lengthy discussion, the Board authorized the Emergency Services Committee to get prices for a new radio system and report back to the Board at a later date.

Mr. Carter explained that it was necessary to enter into a closed meeting in accordance with §2.2-3711(A) 7 of the Code of Virginia for the purpose of consultation with legal counsel and briefings by staff members pertaining to litigation, "Commonwealth of Virginia vs Board of Supervisors (courthouse litigation)", Aubrey R. Padgett, III vs. Board of Supervisors (FOIA) and "O'Brien et.al. v s. Board of Supervisors (biosolids regulation)" and also for consultation with legal counsel concerning the county contracts with Craddock-Cunningham Architectural partners and E-911 consultants. Also, enter into a closed meeting in accordance with §2.2-3711(A) 1 and 5 of the Code of Virginia for the purpose of discussing personnel issues involving an appointee and employee of the Board, and the purpose of discussing a prospective business where no previous announcement has been made of the business' interest in locating in the community.

At 8:15 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to go into a closed meeting per §2.2-3711(A) 7 of the Code of Virginia for the purpose of consultation with legal counsel and §2.2-3711(A) 1 and 5 of the Code of Virginia to discuss personnel issues and discussion of a prospective business in the community. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 11:31 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting under §2.2-3711(A) 7, Of the Code of Virginia for the purpose of consultation with legal counsel and briefing by staff members pertaining to litigation, "Commonwealth of Virginia vs Board of Supervisors

(courthouse litigation)", Aubrey R. Padgett, III vs. Board of Supervisors (FOIA) and "O'Brien et.al. vs. Board of Supervisors (biosolids regulation)" and also for consultation with legal counsel concerning the county contracts with Craddock-Cunningham Architectural partners and E-911 consultants. Also enter into a closed meeting in accordance with §2.2-3711(A) 1 and 5 of the Code of Virginia for the purpose of discussing personnel issues involving an appointee and employee of the Board, and the purpose of discussing a prospective business where no previous announcement has been made of the business' interest in locating in the community.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter moved to the **Administrative Items**:

1. **Action from Closed Session**: Mr. Carter asked if there was any action to be taken as a result of the closed meeting.
5. **State Budget Cuts**: The Governor has announced the first round of budget cuts and staff is requesting guidance as to whether it intends to provide local funds to pay for these cuts.

Mr. Kendrick made a motion that in order to act in the best interest of the County and to protect the local revenue flow the Board supplement the state cuts in Constitutional Officers budgets, minus the budgeted amount for Temporary Employees. Mr. Carwile seconded the motion.

Mr. Carroll asked if the Board wanted to include the other cuts included in Item 5. Basically what we have left is nearly \$5,000 for the Library; an unknown figure for Social Services and the Electoral Board Salaries.

A lengthy discussion followed. Also there may be additional cuts in December. We do not want to set a precedent. Do not intend to fund any other cuts. (Library, Social Services, Electoral Board.)

Mr. Carter called for a vote on the motion before the Board: VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. **Transfer of School Property**: A Public Hearing was held in accordance with the Code of Virginia and now official action to transfer the property, for the new Appomattox Elementary School, to the Appomattox County School Board as described in the deed can be taken by the Board of Supervisors.

A question was raised concerning the amount of acres that will be transferred, the entire 60 acres or just a portion of this acreage. It would depend upon how this building is located on the property.

After some discussion, it was decided that the Board would take a look at the plat and consider this at the next meeting on November 18, 2002.

3. **Regional Revenue Maximization:** Staff has prepared a draft ordinance for the board's review regarding the creation of a Regional Revenue Maximization Board, and also a Memorandum of Understanding for the creation of this board. A public hearing is required before entering into this agreement. Staff has suggested a public hearing be set for November 18th once the final ordinance has been drafted.

After some discussion, the Board by consensus tabled this item until the November 18th, meeting.

4. **VDOT Resolutions:** VDOT has submitted resolutions authorizing the closing of Route 721 and Route 627 for the purpose of construction of new bridges.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the following resolutions:

RESOLUTION

WHEREAS, Route 721, 1.05 miles North of Route 611, the existing drainage structure at Stonewall Creek, due to deterioration, will be replaced with a precast concrete span bridge, and

WHEREAS, the concrete bridge will be built on the same location as the old structure and will require demolition of the old structure prior to construction of the new precast concrete span bridge.

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox County Board of Supervisors concurs in closing this section of Route 721 to thru traffic for the construction of the new concrete bridge.

RESOLUTION

WHEREAS, Route 627, 1.00 mile South of Route 600, the existing drainage structure at Vaughans Creek, due to deterioration, will be replaced with a precast concrete span bridge, and

WHEREAS, the concrete bridge will be built on the same location as the old structure and will require demolition of the old structure prior to construction of the new precast concrete span bridge.

NOW, THEREFORE, BE IT RSOLVED, that the Appomattox County Board of Supervisors concurs in closing this section of Route 627 to thru traffic for the construction of the new concrete bridge.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Consent Agenda:** (Items 6 – 14)

6. **Approval of Bills:** Approve bills as presented for payment

7. **Approval of Minutes:** Budget Work Session on April 8, 2002; Joint meeting with School Board & Elementary School Committee on June 4, 2002; Economic Development Summit on June 11, 2002; Regular Meeting & Public Hearing on June 17, 2002; Joint Meeting with Appomattox Town Council on June 22, 2002; Regular meeting on July 1, 2002; and Regular meeting and Public Hearing on July 15, 2002.

Board Actions:

8. **Festival Permit:** Cross-Country Hunt Club is requesting to hold several turkey shoots during October 2002 thru August 2003. The permit fee has been submitted and they are requesting the bond requirement be waived.

9. **Burn Ban:** Staff is recommending that the current Burn Ban be lifted but that environmental conditions be monitored to determine whether the burn ban should be reinstated at the November 18th meeting.

Supplemental Appropriations:

10. **Sheriff's Department:** Approve the following supplemental appropriations:

3102-5408 – Vehicle Power Equipment Supplies	\$100.00
3102-2005 - Blue Cross	198.49
(reflects a reimbursement from Trigon)	

11. **Maintenance Department:** Approve supplemental appropriation to reflect insurance payment for HVAC unit.

4302-7001 – Equipment	\$1,900.00
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12. **Appomattox Volunteer Fire Department:** Approve supplemental appropriation to reflect payment by Town of Appomattox for their portion (25%) of the new fire truck. This payment will be used to pay for the chassis.

3202-7005 - Motor Vehicle	\$87,500.00
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13. **Comprehensive Services Act:** Approve transfer to the General Fund and the corresponding supplemental appropriation to pay for expenses incurred by the CSA program.

Transfer: \$367.20 from CSA Administration fund to General Fund.

Supplement: 5310-3002 – Administration	\$367.50
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14. **School – AES Project:** Approve supplemental appropriation to transfer the remaining principle and interest funds for this project. (There will be some additional accrued interest that will be supplemented at a later date).

Fund 10 6101-3005 - New Elementary School \$67,152.18

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the consent agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Moore., aye.

Mr. Carter next presented the **Informational Items: (items 15 – 22)**

- 15. **Letter from Senator Warner:** Letter received from Senator Warner supporting the County's resolution supporting the Pledge of Allegiance as currently written containing "under God".
- 16. **Landfill VPDES Permit Approval.** Letter received acknowledging the VPDES permit application was approved.
- 17. **School Monthly Financial Report:** Financial report for November.
- 18. **United Way I&R:** United Way activity report.
- 19. **Business Development Centre:** Activity report
- 20. **Access Management Workshop:** Invitation to attend workshop concerning traffic control.
- 21. **Town of Appomattox:** Agenda for meeting held in October.
- 22. **Courthouse Project:** Update on the courthouse project concerning steps being taken to comply with the courts order.

There was some discussion on the projects listed in this update.

Mr. Carter next called for **Supervisor's Concerns:**

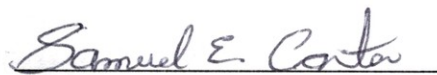
Mr. Carwile asked for a copy of the letter sent to Mr. Clayton Bryant regarding his decision not to spread biosolids. He also addressed the issue of the "Welcome Signs". When will this project be done?

Mr. Hancock has received some calls regarding the lights at the Route 604 dumpster site.

Mr. Carter requested a letter of appreciation be sent to the Railroad Festival Board. He also addressed the Workforce Investment Board. We went with Southside as opposed to going with Region 2000. We need to rethink our position on this decision and go with the Region 2000 Workforce Investment Board. Mr. Carroll will look into this.

Discussion continued on the Regional Airport Grant as presented by Ms. Christine Kennedy at tonight's meeting. Campbell County will benefit not Appomattox; too expensive to fly out of Lynchburg. The consensus of the Board is not to support this expenditure.

At 12:32 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Chairman

On Monday, November 18, 2002, the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held its regularly scheduled meeting and public hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

PRESENT: (Planning Commission)

Kevin O'Brien, Chairman
Al Sears
Calvin Tanner
Jerry Hughes
Steve Conner
Robert Johnson
Susan Hudson
Marvin H. Mitchell
Jim Seftor
John Wilson

ALSO PRESENT:

Andy Carroll – County Administrator
Brandon Stidham – County Planner
John Spencer – Assistant County Administrator
Dick Wingfield – Electoral Board
Fred Underwood – Electoral Board
Joe Foxwell – Electoral Board
Ms. Sabrina Smith – Registrar

Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter opened the **Public Comments** session and asked Mr. John Wilson to come forward.

Mr. Wilson stated he was sure that everyone on the Board had received his comments regarding the cable television contract. He has received some additional information since mailing out that letter. He discussed with the Board the revenue received by NESBE from the County of Appomattox last year, excluding the Towns of Appomattox and Pamplin. He feels it is time to re-examine the contract with NESBE and the service that the County receives. He asks the Board to do what it can in order for the citizens of the County to receive the best services available.

Mr. Carter thanked Mr. Wilson for providing the Board with this information.

Mr. Carter asked that in the interest of time that the Board deviate from the agenda and have Mr. William Gillespie, Executive Director-Region 2000 Commission to address the Board.

Mr. Gillespie is here tonight to discuss the Regional Legislative Agenda and budget Resolution and is also asking the Board to support these documents.

Mr. Gillespie presented the Board with many facets of the trickle down effect of the State budget cuts and tax reforms.

There was a brief questions and answer period following Mr. Gillespie's presentation.

Mr. Carter thanked Mr. Gillespie for coming.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the Regional Legislative Agenda as presented.

REGION 2000 REGIONAL COMMISSION

*SERVING THE CITIES OF LYNCHBURG AND BEDFORD, THE
COUNTIES OF AMHERST, APPOMATTOX, BEDFORD, AND
CAMPBELL, THE TOWNS OF ALTAVISTA, AMHERST,
APPOMATTOX, AND BROOKNEAL*

LEGISLATIVE AGENDA

2003 GENERAL ASSEMBLY SESSION

Adopted by the Regional Commission October 17, 2002

REGION 2000 REGIONAL COMMISSION

The Region 2000 Regional Commission, representing the 10 local governments in Central Virginia, request that our legislative representatives incorporate the following principles into their decision making process as they evaluate, deliberate, and vote on legislative/budgetary issues that will be presented for consideration in the 2003 General Assembly session:

- Fully fund State Aid to Localities
- Oppose legislation that would reduce local revenues or diminish local taxing authority
- Support a comprehensive overhaul of state-local tax structure and service responsibilities
- Support/preserve local authority to serve their citizens

TAX RESTRUCTURING AND EDUCATION FUNDING

- The Regional Commission strongly supports the continued efforts of the joint committee to address the issue of tax restructuring in the Commonwealth. The Regional Commission insists that this issue be made the number one priority of the 2003 General Assembly session. The Regional Commission does not support any tax restructuring changes that would restrict or otherwise reduce existing local taxing authority.
- The Regional Commission supports the recommendation of the joint committee on tax restructuring for a moratorium on any additional unfunded state mandates. The Regional Commission also proposes that the state move forward with the 100% funding of current mandated programs such as CSA, VJCCCA, jails, etc.
- The current formula for education funding should be eliminated and replaced with a new formula that would be based on the cost of education services and at-risk student levels. The structure of the new formula would acknowledge the cost differentials across the state and discourage inefficiencies in education spending.
- In addition to existing state aid to localities, the Regional Commission supports legislation that would allocate a portion of the state income tax to the localities as net new revenue for their unrestricted use.

TELECOMMUNICATIONS TAXES

The Regional Commission supports the establishment of a dialog between the legislature and the telecommunications industry and the effects this proposal will have on localities. The Regional Commission cannot support changes in the tax structure until the joint study subcommittee under HJR 60 has completed its work and a determination of how these proposed changes will fold into the overall tax restructuring recommendations. The Regional Commission does not support tax reforms that will ultimately reduce revenues to local governments.

SOLID WASTE SURCHARGE

The Regional Commission does not support any attempts to impose a state solid waste tipping fee or surcharge on localities.

ENCOURAGEMENT OF REGIONAL COOPERATION

The Regional Commission strongly suggests that existing as well as proposed legislation providing funding for localities gives preference to those localities that develop regional coalitions. The current funding requirements for localities applying for assistance under various state programs does not give sufficient weight and preference to those regions that consistently work together, particularly in the area of economic development. This

approach would provide greater support to the original intent of the Regional Cooperation Act by encouraging localities to work together on a regional basis.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter suggested that the local news media consider publishing the News Release issued by the Regional Commission as this needs to be communicated to all our citizens.

At 7:00 P.M. Mr. Carter opened the Joint Public Hearing with the Appomattox County Planning Commission and read the following statement:

§ This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

§ Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

§ We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham who read the first petition:

02-513 – Marcus S. Carter: Conditional use permit for home occupation in an accessory building (firearms instruction) per §170-34(A)(13) of the Appomattox County Zoning Ordinance. Property is located on Rt. 647 and Rt. 679, Tax Map #86(A)23, and is zoned A-1 Agricultural.

Mr. Stidham called for comments for this petition.

Mr. Marcus Carter of Rt. 1, Box 945, Appomattox, Va came forward. Mr. Carter stated this will be a small business involving firearms instruction/sales already located in the basement of his home. He would like to relocate this business to an existing accessory building in order to free up space in his home.

Mr. Timothy W. Carrico, of P.O. Box 146, Evergreen, Va. Mr. Carrico is in partnership with Mr. Carter. There will be no on-site shooting, just instructional and classroom training.

Mr. Russell Franklin of 308 Bent Creek Road, Red House came forward. Mr. Franklin is a certified NRA instructor. He has known both Mr. Carter and Mr. Carrico for years. He feels this instructional and classroom training is very much needed in our community.

Mr. Stidham called for comments against this petition. Hearing none, Mr. Stidham turned the meeting back to Mr. Carter.

At 7:05 P.M. Mr. Carter stated that a **Public Hearing regarding the Temporary Relocation of the Registrar's Office** was necessary. Mr. Carter then read the following statement: The Appomattox County Board of Supervisors will conduct a public hearing for the purpose of receiving comments from the public regarding the temporary relocation of the Voter Registrar Office from its present locating at 125 Court Street to office space located in the Health Department Building at 401 N. Court Street. This temporary relocation is required as a result of the Court construction project.

Mr. Carter called for comments. Hearing none Mr. Carter closed the public hearing at 7:06 p.m. and called for a short recess.

At 7:15 P.M. Mr. Carter reopened the meeting. He had neglected to get a motion earlier to endorse the Regional Commission Budget Resolution Supporting Tax Reform as presented by Mr. Gillespie.

Mr. Kendrick made a motion seconded by Mr. Hancock to endorse the Region 2000 Regional Commission Resolution Supporting Tax Reform.

REGION 2000 REGIONAL COMMISSION RESOLUTION SUPPORTING TAX REFORM

WHEREAS, the Region 2000 Regional Commission, representing the ten local governments in Central Virginia, recognize the Commonwealth is currently experiencing a recession and as such suffering from a substantial decrease in state revenues, and

WHEREAS, this revenue reduction has caused the Commonwealth to consider significant reductions in the financial contributions toward State responsible programs delivered at the local level in order to balance the budget, and

WHEREAS, these reductions will continue to inflict financial pressures on the local government's ability to maintain local programs and services that contribute significantly to the quality of life of its citizens, and

WHEREAS, the local governments, representing the Central Virginia area, do hereby affirm that this continued reduction in the Commonwealth's constitutional responsibility for the funding of mandated and State responsible programs will have a corresponding effect via a reduction in the local government's ability to continue to subsidize these programs with local dollars, and

WHEREAS, the Regional Commission strongly insists that the 2003 General Assembly actively demonstrate aggressive and deliberate leadership to address the unrealistic expectation that local government continue to fund the obligations of State government by the enactment of meaningful legislation that addresses this issue, and

WHEREAS, it is the consensus of the membership of the Regional Commission that the accepted practice of the Central Virginia localities continuing to utilize their local taxing authority to raise local revenues to subsidize programs that are clearly obligations of the Commonwealth cannot be continued.

NOW THEREFORE BE IT RESOLVED, that the localities of the Central Virginia area unanimously agree that the continuing utilization of existing local financial resources and/or new revenues raised through increased taxation at the local level to subsidize State responsible programs is no longer acceptable.

BE IT FURTHER RESOLVED, that the localities of the Central Virginia area will not absorb any financial shortfalls of the Commonwealth at the local level unless there is documented evidence that the local government is unable to perform its constitutional responsibilities to its respective community or there is visible support from the majority of the local constituency for the reuse of local tax dollars or an increase in local taxation to support these programs.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

The next item on the agenda is a closed session. However, due to the fact that the Planning Commission is still meeting in the Jury Room, the Board will proceed with item 2 of the Administrative items.

Mr. Carter next presented the **ADMINISTRATIVE ITEMS:**

2. **Transfer of School Property:** At the last meeting on October 28, 2002, the Board questioned whether the school needed the full 60 acres surrounding the new elementary school. The parcel in question has been committed as collateral on the VPSA bonds issued for the building project. It is recommended that the Board take the necessary action to transfer this property.

There was some discussion concerning the transfer of this property. Some of this property is considered swampy and basically unusable. Also has the school projected any use for the remainder of this property.

The Board by consensus tabled this item until the next meeting.

3. **Planning Commission Recommendations:** The Planning Commission has recommended that the Board approve the following petitions:

02-509 – Shirley D. Wheeler, Dean S. Hamilton, Frank R. Brina and others: Re-zone properties from R-1 Residential to R-2 General Residential with conditions proffered per §170-8 of the Appomattox County Zoning Ordinance. Properties are located on Rt. 644 between Rt. 727 and Dead End, Tax Map #s 88(7)A, B, C, D, D1, F, G1, H, AND I.

Mr. Carwile made a motion to accept the Planning Commissions recommendation for reasons of public necessity, convenience, general welfare and good zoning practice, the Appomattox County Board of Supervisors moves to approve the petition #02-509 of Shirley Wheeler and other to re-zone parcels of land located on Rt. 644 between Rt. 727 and Dead End from A-1 to R-2 with proffers as submitted. Mr. Hancock seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

02-510 – O. H. Tolley, Jr. Amend conditional use permit for self-storage business per §170-47 of the Appomattox County Zoning Ordinance. Property is located on a double-frontage lot fronting on US 460 and Rt. 628, Tax Map #102(A)81 and is zoned B-1 Business.

Mr. Kendrick made a motion seconded by Mr. Moore to approve Petition #02-510 of O. H. Tolley Jr, to amend conditional use permit for self-storage business per §170-47 of the Appomattox County Zoning Ordinance VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

02-511 – Wesley Ward Snyder: Re-zone property from A-1 Agricultural to B-1 Business with conditional use permit for an auto repair business. Property is located on US 460 between Rt. 633 and Rt. 620, Tax Map #90(A)106B.

Mr. Kendrick made a motion seconded by Mr. Hancock for reasons of public necessity, convenience, general welfare, and good zoning practice to approve petition #02-511 of Wesley Ward Snyder to re-zone a parcel of land located on U. S. 460 between Rt. 633 and Rt. 620 from A-1 to B-1. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Moore made a motion approved by Mr. Kendrick to approve the petition of Wesley Ward Snyder for conditional use permit to operate auto business. In lieu of surface treatment requirements, approval is conditioned on maintaining the graveled access road and parking lot within fifty (50) of the state right-of-way to prevent mud holes, sedimentation, and tracking of sediment onto the state road. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter moved to the next item on the agenda: **Consent Agenda – (items 4-8)**

4. Approval of Bills: Approve bills as presented

Board Actions:

5. Transfer of Funds: Please transfer \$2,500.00 from the Comprehensive Services Act-Administrative fund to the General Fund to pay for contractual agreement with Campbell County for CSA Coordinator Services.

Supplemental Appropriations:

6. **Sheriff's Department:** Supplemental appropriations as requested by Sheriff:

3102-1002 – Regular Overtime	\$361.94
3106-5401 – Office Supplies – DARE	85.00

7. **Library:** Supplement appropriations as requested by Library:

7301-5401 – Office Supplies	\$218.30
7301-5411 – Books	421.19

8. **Budget Reductions:** Previously approved reductions in budgets as a result of the State's first round of budget cuts:

Treasurer	Part-Time Salaries	\$4,843.00
	FICA	<u>370.49</u>
	Total	\$5,213.49
 Commissioner of Revenue	Part-Time Salaries	 \$9,130.00
	FICA	 <u>698.45</u>
	Total	 \$9,825.45
 Commonwealth Attorney	Part-Time Salaries	 \$2,400.00
	FICA	 <u>698.45</u>
	Total	 \$2,583.60

NOTE: (Amount remaining in budget as of 10-31-02)

Commonwealth Attorney	Part-Time Salaries	\$1,470.00
	FICO	<u>112.46</u>
	Total	\$1,512.46
 Electoral Board	Salaries	 \$ 429.00
	FICA	 <u>32.82</u>
	Total	 \$ 461.82

After a short discussion Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented with amendments made to the Commonwealth Attorney portion of Item 8 to reduce the amount remaining unspent to date (\$1,512.46). VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

9. **School Monthly Financial Report:** Financial Report for December, 2002.
10. **Governor's Press Release concerning drought conditions:** Press release from the Governor's Office lifting certain restrictions on water usage that were implemented by Executive Order #33.
11. **Landfill Inspections Reports;** DEQ Inspection Reports for July 25 and October 23, 2002.
12. **Region 2000 Healthcare Purchasing Coalition Newsletter:** This newsletter is provided to the Board so they can keep abreast of the activities being undertaken on this project.
13. **Town Of Appomattox:** Town Council's agenda for October 29th and November 12th, 2002.

14. **Citizen Letters:** Two letters received from Mr. John Wilson concerning the "Citizens Comment Period " of Board meetings and a request regarding renegotiating the cable franchise agreement.

Mr. Carter stated Mr. Wilson had done an excellent job of looking into this matter in depth and it is very obvious he has a concern. He is sure other citizens also may or may not have concerns. He would like to have Mr. Jobe invited to the December 2nd or 16th meeting and make him aware of the deficiencies listed by Mr. Wilson

After some discussion, it was stated we need to ask Mr. Wilson for permission to send Mr. Jobe a copy of his letter to the Board. Also what do other localities charge for services, etc and exactly what are the options?

Mr. Carter then called for **Supervisor's Concerns:**

Mr. Carter had one question regarding the status of the recreational fields.

Mr. Carroll gave report on what had been done to this point.

Mr. Carter reminded the board of upcoming meetings:

Monday, December 2, 2002 at 6:30 P.M. – Regular Meeting
Monday, December 16th, 2002 at 6:30 P.M. – Regular Meeting

Mr. Carter stated it was necessary for the Board to enter into closed session as per §2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding a legal matter – Craddock-Cunningham Architectural Partners Contract.

At 7:45 p.m. Mr. Moore made a motion seconded by Mr. Carwile to enter into closed session for the purpose of legal consultation as per §2.2-3711.A.7 VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:17 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711.A.7 Of the Code of Virginia for the purpose of legal consultation regarding Craddock-Cunningham Architectural Partners Contract.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

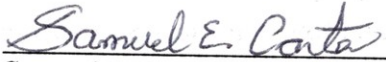
Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I Call the Question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter asked if there was an action to be taken as a result of the closed session.

Mr. Kendrick made a motion to approve the proposed new contract with Craddock-Cunningham Architectural Partners subject to a final review by the County Attorney and County Administrator of the payment provisions and certain rights of the County. Mr. Carwile seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:20 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, December 2, 2002 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
Brandon Stidham – County Planner

At 6:32 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter next opened the floor for the **Citizen's Comment Period.**

Mr. Jesse Rosser came forward and stated he had lived in Appomattox all his life and appreciated the opportunity to speak tonight. He read a letter he had written in 1997 regarding NESBE Cable. The franchise was for 15 years and the rate increase will be from \$3 to \$5. The franchise agreement stated there would be no additional charge for extra outlets and four channels would be added. Now, the rate has gone from \$19.97 to

\$38.11 and we have not received much more in service during this period. Recently, NESBS exchanged WGN for Animal Planet, a less popular channel. The entire message of his presentation is he feels the cable agreement should be looked at because the citizens of Appomattox are not getting the most for their money.

Mr. Carter thanked Mr. Rosser and moved to the first item on the agenda.

At 6:36 p.m. Mr. Carter opened the **Public Hearing on the VDOT Six-Year Plan:**

Present from VDOT: Don Austin, Resident Engineer, Appomattox Office

Milton Thacker, Assistant Resident Engineer

Cathy Arrington

Donald Harvey

Mr. Carter asked if anyone wished to speak to the Board regarding the VDOT Six-Year Plan and the priorities for the 2003-2004 Budget. Also requests for Improvements and New Additions will be considered at this time. Hearing none, Mr. Carter asked Mr. Don Austin to go over the plan with the Board.

Mr. Austin began by stating that Route 641 – Church Street was being considered for some different type of construction, probably less than originally planned. Also Route 652- Beeks Lane – The bid came in less than anticipated. He feels that they will have sufficient funds to do this job.

Funds have already been cut from \$1 million last year to around \$600,000 today, as a result of cuts in funding from road taxes.

Mr. Austin then answered some questions presented by Mr. Carwile and Mr. John Wilson.

Mr. Austin will have a Resolution for adoption at the December 16th meeting.

At 6:50 p.m. Mr. Carter closed the Public Hearing on the VDOT Six year Plan.

Mr. Carter called upon Mr. Danny Jobe, General Manager of NESBE Cable to address some concerns from citizens and a letter from Mr. John Wilson.

Mr. Jobe stated the problem the first part of October took a long time to get fixed. They first thought the cause was a bullet severing a fiber optic cable. This was not true, it was a squirrel chewing the cable. There are 26 miles of cable in Appomattox and 20 miles between Rustburg and Appomattox. It took some time to locate the damaged cable. Once the damage was located the problem was repaired. In an attempt to prevent this occurrence in the future, they have treated the cable with a hard plastic coating and tar on the poles to keep the squirrels away.

In reference to Mr. Wilson's letter, Mr. Jobe stated they have people on call 24 hours a day. They are provided with the best information available at the time. Also restoration

of service begins immediately after receiving a report of outage. Their signal quality and liability meet FCC standards. The signal quality and liability are much better in the County since they have upgraded. Their service representatives have the authority to give a 1-month credit to any customer without supervisory approval. NESBE does not schedule any downtime during prime viewing hours.

Mr. Jobe also discussed the Franchise Fee. Under Federal law franchising authorities are entitled to get up to 5% gross revenue per month as a franchise fee. This is listed as a separate item on the billing.

The existing franchise is in effect until 2013 and they do not feel the need to re-open the contract. They replaced WGN with Alive TV (Concord). Under Federal Law they are obligated to carry this. They carry a lot of local programming, and gospel music.

Mr. Carter asked what it would take to get WGN back on line. Mr. Jobe stated they would have to do some equipment changes and adjust some local stations and he is not sure the system in Campbell County could handle this. There would also be an increase in the Basic Rate.

Mr. Carwile asked if there had been any modifications or changes in the contract since 1997 and asked for an explanation of part B of the contract.

Mr. Jobe stated no changes had been made in the contract. Also they are required to pay 3% of the gross revenue to the County within 60 days from December 31st of each year. This money goes directly to the Treasurer. He will send a copy to the County Administration on the validation of the annual franchise fees.

After answering a few other questions, Mr. Carter thanked Mr. Jobe for attending the meeting and answering the questions presented.

At 7:16 p.m. Mr. Carter stated there would be a Public Hearing on the **Revenue Maximization Ordinance** and read the following statement: This public hearing has been scheduled to obtain public comment concerning the adoption of an ordinance approving a Regional Revenue Maximization Board and authorizing participation by Appomattox County in this regional endeavor.

Mr. Carter asked if anyone wished to comment on this ordinance. No one came forward.

Mr. Carter read the advertisement placed in the newspaper regarding this hearing. "The Appomattox County Board of Supervisors will conduct a public hearing on December 2, 2003 at 7:00 p.m. in the Appomattox County Courthouse located on Court Street in Appomattox, Virginia to receive comments from the public concerning the adoption of an ordinance approving a regional agreement between the counties of Amherst, Appomattox, Bedford and Campbell and the cities of Bedford and Lynchburg to provide joint action through the establishment of the Regional Revenue Maximization Board, in accordance with §15.2-1300 and §15.2-1427 of the Code of Virginia as

amended, with the powers and duties set forth in the agreement and authorizing the participation of the County of Appomattox therein. The full text of the proposed ordinance is available for inspection in the Office of the County Administrator located on Morton Lane, Appomattox, Virginia between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday”.

Hearing no comments, Mr. Carter closed the public hearing at 7:18 p.m.

Mr. Carter called Mr. John Wilson to address the Board. Mr. Wilson has requested permission to discuss the Cable Franchise Agreement between the Board and NESBE Cable.

Mr. Wilson passed out a copy of his comments. Mr. Wilson took issue with the explanation that it takes time to trace down a break in the cable. Mr. Wilson stated, TV has become a public utility, almost as important as the telephone and the supply of electricity. We depend upon it for news, weather reports, school closing information, severe weather warnings and other public information, as well as entertainment. Mr. Wilson closes by stating that the Board has the power to demand better services than the FCC requires.

Mr. Carter thanked Mr. Wilson for his presentation.

Mr. Carter next called Mr. Fred Kruschwitz of the Sports Complex Committee to address the Board.

Mr. Kruschwitz is appearing to update the Board on the development of the community Recreational Park on Police Tower Road. He is specifically appearing to request the Board's permission to advertise and accept bids for grading work on the first phase (baseball fields) of the park's development with a completion date of July 1, 2003. In an effort to reduce costs, the Invitation for Bid contains no bid bond, no performance bond, no liquidated damages and no warranty period. Since we will advertise only in the local paper, we will have the option of including the performance bond or not. All the County insurance requirements are included however. In addition to paying the contractor, there will need to be some monies available to pay for other costs such as silt fence, rocks, etc.

After some discussion Mr. Moore made a motion seconded by Mr. Carwile to proceed with the Invitation for Bid on grading of four (4) baseball fields at the Community Recreational Park located on Route 613, with the understanding that a performance bond may be required. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:44 p.m. Mr. Carter stated the need to go into closed session in accordance with the Code of Virginia, '2.2-3711 A. 7 - Consultation with legal counsel; '2.2-3711 A. 3 - acquisition of Real Property and '2.2-3711 A. 5 - discussion of prospective Business and Industry Development.

Mr. Moore made a motion seconded by Mr. Kendrick to enter into a closed session in accordance with sections 2.2-3711 A. 7 - Consultation with legal counsel, 2.2-3711 A. 3 - acquisition of real property and 2.2-3711 A. 5 - discussion of prospective business. VOTE: Mr. Hancock, aye, Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 9:05 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting in accordance with the Code of Virginia for the following purposes; §2.2-3711 A.7 – consultation with legal council; §2.2-3711 A.3 – acquisition of real property and §2.2-3711 A.5 – discussion of Prospective business and industry development.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye, and Mr. Carter, aye.

Mr. Carter next moved to the **Administrative Items: (items 1-5)**

1. **Action from Closed Session:** There was no action to be discussed.
2. **Revenue Maximization Ordinance:** The Board having held a public hearing may now take official action to adopt the Ordinance enacting the Regional Revenue Board and authorizing the County's participation in that Board.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution:

**AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR
TO ENTER INTO A
JOINT POWERS AGREEMENT ESTABLISHING
A REGIONAL REVENUE MAXIMIZATION BOARD**

WHEREAS, VA. CODE ANN. §15.2-1300 authorizes localities to exercise and enjoy jointly any power, privilege or authority capable of exercise by such localities individually, unless an express statutory procedure is otherwise provided for such joint exercise; and

WHEREAS, a regional joint powers agreement between the governing bodies of the counties of Amherst, Appomattox, Bedford, and Campbell, and the cities of Bedford and Lynchburg has been proposed for the purpose of providing for a joint powers association for the purpose of providing pre-placement, prevention, and other human services and to maximize federal financial reimbursement for such programs to residents of the local governments which have entered into this agreement; and

WHEREAS, there are regional programs that are providing pre-placement prevention services in our communities that would qualify for federal reimbursement funding; and

WHEREAS, the Virginia Department of Social Services is the sole source for accessing these reimbursements and given that they require regional revenue maximization partnerships to establish a regional board; and

WHEREAS, the counties of Amherst, Appomattox, Bedford, and Campbell, and the cities of Bedford and Lynchburg have agreed to call the joint powers association so formed - the REGIONAL REVENUE MAXIMIZATION BOARD; and

WHEREAS, VA. CODE ANN. §15.2-1300 requires that any such joint agreement be approved by the participating localities by ordinance before the agreement may enter into force; and

WHEREAS, a public hearing thereon was duly advertised in accordance with the provisions of VA. CODE ANN. §15.2-1427; and

WHEREAS, it appearing to the Board of Supervisors of the County of Appomattox that the joint powers agreement that is attached hereto to is in the best interests of the County of Appomattox.

NOW, THEREFORE, BE IT HEREBY ORDAINED that in accordance with the provisions of VA. CODE ANN. §15.2-1300, the Board of Supervisors for the County of Appomattox, Virginia does hereby

- 1) Approve and authorize the joint powers agreement between the counties of Amherst, Appomattox, Bedford, and Campbell, and the cities of Bedford and Lynchburg for the purpose of providing pre-placement and prevention and other human services to residents of the respective counties and to maximize federal financial reimbursement for such program;
- 2) Agree to participate fully in The Regional Revenue Maximization Board;
- 3) Authorize and direct the County Administrator to enter into on behalf of the Board the joint powers agreement attached hereto.

- 4) The payment obligations, if any, of the County of Appomattox pursuant to the provisions of the joint powers agreement shall be subject to annual appropriation of requisite funds by the Board of Supervisors.

This Ordinance shall take effect immediately upon its adoption or passage.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- 3. Transfer of School Property:** A Public Hearing has been held in accordance with the Code of Virginia and the Board may now take action to transfer the property of the new Appomattox Elementary School to the Appomattox County School Board.

There was some discussion concerning the transfer of the property, the property characteristics and how to avoid similar situations in the future in developing large tracts of property.

Mr. Carwile made a motion seconded by Mr. Kendrick to transfer the property containing the new Appomattox Elementary School to the Appomattox County School Board. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- 4. Planning Commission Recommendations:** The Planning Commission recommends that the following petition be approved as submitted.

- a) **02-513 – Marcus S. Carter** – Conditional use permit for home occupation in an accessory building (firearms instructions) per §170-34(A)(13) of the Appomattox County zoning Ordinance. Property is located on Rt. 647 between Rt. 691 and Rt. 679, Tax Map #86(A)23 and is zoned A-1 Agricultural.

Mr. Moore made a motion seconded by Mr. Hancock to approve Petition 02-513 of Marcus S. Carter for a conditional use for home occupation as recommended by the Planning Commission. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

- b) **Public Hearing on Proposed Amendments to the Accessory Building Section of the County Zoning Ordinance:** The Planning Commission is recommending that the Board schedule a public hearing on December 16, 2002 to receive comments on the proposed amendments to the Accessory Building Section of the County Zoning Ordinance.

Mr. Kendrick made a motion seconded by Mr. Hancock to schedule a Public Hearing on December 16, 2002 to receive comments on the proposed changes to the County Zoning Ordinance pertaining to Accessory Buildings.

5. **Board of Supervisors/School Board Planning Retreat:** There has been some discussion between the School Board Administration and the County Administration staff regarding ways to improve working relations between the two Board. Staff is recommending that the Board of Supervisors give strong consideration to holding a planning retreat that would include the members of the Board of Supervisors and School Board as well as selected top staff of both organizations. One option is a facilitated workshop hosted by Lynchburg College at a cost of approximate \$1,000, not including food. (cost to be split between two Boards). Possible dates are January 11, January 18, and February 1, 2003. All dates are Saturdays.

After some discussion, most of the Board members felt it was not necessary to hold such a retreat. It was the consensus of the Board not to participate in this type of retreat largely based upon the \$1,000 expenditure.

The next item for consideration was the **Consent Agenda: (items 6-8)**

6. **Approval of the Bills:** Approve bills as presented and amended to include bill for Craddock-Cunningham Architectural Partners in the amount of \$173,440.74.

Board Actions:

7. **Law Library:** Please approval expenditures of \$117.55 for the Law Library as requested.

Supplemental Appropriations:

8. **Sheriff's Department:** Please approve supplemental appropriations as follows;

3101-1004 – DMV Overtime	\$7,850.00
3102-2001 - FICA	650.00
3102-5408 – Vehicle Power Equipment Supplies	100.00

9. **Legal Services:** Please approve supplemental appropriations as follows for legal costs related to Biosolids Litigations:

1204-3002 – Professional Services	\$62,096.68
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Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as written and amended. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye, Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **INFORMATIONAL ITEMS:**

9. **VDOT Rural Rustic Roads Program:** Information on VDOT's Rural Rustic Roads program as was presented at the VACo Annual Meeting on November 11, 2002.

10. **Supervisor's Concerns:** Mr. Kendrick would like to see an ordinance put in place to control hunters from standing on the roadway and shooting into the woods. Mr. Moore stated the lady he spoke with said that the Game Warden told her that Appomattox was one of a handful of counties that allowed hunters to hunt on the road.

Mr. Carroll will look into this and get back to the Board.

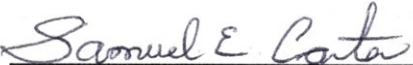
Mr. Carter reminded the Board of **UPCOMING MEETINGS:**

Monday, December 16, 2002
Regular Board Meeting
6:30 p.m.

Monday, January 6, 2003
Organizational Meeting
Location to be determined
6:30 p.m.

Mr. Carter also reminded the members to turn in their Statement of Economic Interests forms by January 15, 2003.

At 9:29 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn.
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, December 16, 2002 the Appomattox County Board of Supervisors held it's regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ABSENT:

Jesse L. Hancock – Falling River District

ALSO PRESENT:

Andy Carroll – County Administrator
Daniel M. Siegel, the County Attorney was present via telephone for the Closed Meeting.

At 6:30 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter welcomed everyone present and stated no one had signed up to speak during the **Public Comments Period**.

Mr. Carter then called Mr. Wayne Phelps to address the Board.

Mr. Phelps as President of the Appomattox County Historical Society is requesting a letter of support for the renaming of the 460 Bypass in honor of Charles Thomas Moses, Jr. The Appomattox Lion's Club is also supporting this request.

Mr. Phelps is also requesting that the Board allow him to donate the cornerstone for the new courthouse building. Additional design work would be needed if the request is approved as the current design does not call for a cornerstone.

Mr. Phelps stated he would like to be allowed to donate the cornerstone for the new courthouse. Mr. Phelps stated that the cornerstone would only contain a date, no names or other lettering.

There was some discussion regarding a cornerstone not being included in the design, as most governmental buildings do have a cornerstone. Mr. Moore will discuss this with the architects and also see if Judge Poston would have to approve this change.

Mr. Phelps also read a statement regarding a "Tribute to Charles Thomas Moses, Jr", as well as list of Mr. Moses' achievements. He would like for the Board to issue a letter of support to name the two and one-half mile 460 By-pass after Mr. Moses. Mr. Phelps has letters of support from several businesses and organizations in the naming of the By-pass in honor of Mr. Moses. Mr. Phelps will provide the Board with these if necessary.

Mr. Kendrick made a motion seconded by Mr. Carwile to endorse a letter of support in the re-naming of the 460 By-pass in honor of Charles Thomas Moses, Jr. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter stated the need for a Closed Session in accordance with §2.2-3711A.7 of the Code of Virginia for the purpose of a legal matter.

At 6:40 P.M. on a motion by Mr. Kendrick seconded by Mr. Moore the Board entered into a closed session in accordance with §2.2-3711A.7 to discuss a legal matter. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 7:20 P.M. Mr. Moore made a motion seconded by Mr. Carwile to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter read the following certifying motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711A.7 Of the Code of Virginia for the purpose of discussing a legal matter.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then presented the **Administrative Items**:

1. **Action from Closed Session:** Mr. Carter asked if there was any action to be taken as a result of the closed session.

Mr. Kendrick made a motion seconded by Mr. Moore to authorize the County Administrator to enter into a contract with Timmons in the amount of \$254,156.00 for services related to the development of an E-911 system subject to the final negotiation of terms and approval by the County Attorney. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

2. **VDOT 6-Year Plan:** A public hearing was held on December 2, 2002. There were no changes requested to the plan presented at that time. The Board needs to adopt the 6-Year Plan Resolution presented by VDOT.

Mr. Carwile made a motion to adopt the following 6-Year Plan Resolution as presented by VDOT. Mr. Moore seconded the motion:

WHEREAS, the Board of Supervisors of Appomattox County and the Virginia Department of Transportation held a public hearing on December 2, 2002, in accordance to Section 33.1-70.01 of the Code of Virginia at which the proposed Six Year Plan for Secondary Road Improvements for 2003-2004 through 2008-2009 was presented by D. L. Austin, Resident Engineer for the Virginia Department of Transportation.

WHEREAS, the proposed list for the 2003-04 Secondary Road Construction Budget was also presented for consideration.

BE IT RESOLVED, that the Secondary Road Improvement Six Year Plan for 2003-04 through 2008-09 is hereby approved.

BE IT FURTHER RESOLVED, that the priority list for the 2003-04 Secondary Road Construction Budget is hereby approved.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

3. **NESBE Cable:** Mr. Carwile has requested that the NESBE Cable franchise agreement be included on the agenda for possible Board action.

Mr. Carwile stated he thought they needed the opportunity to look over this agreement to see if any changes were necessary. The Board may wish to consider: 1) cable throughout the County. We only have cable if there are 40 connections within a one mile radius. 2) Also may be this should be explored more before any decisions are made.

Mr. Kendrick commented regarding the number of subscribers necessary before NESBE would run a line – he understands 40 potential subscribers.

Mr. Jobe, General Manager of NESBE was present and stated the franchise does require 40 potential subscribers per mile. If there are areas that meet this, but are not being served, he would be happy to take care of it.

Mr. Kendrick made a motion seconded by Mr. Carwile to table this issue until the second meeting in January 2003. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

4. **State Budget Reductions – Electoral Board/Registrar's Office:** The Board has received a memo from the State Board of Elections concerning the impact of the state's budget reductions on these departments. The memo states that the Board cannot reduce the salary of the Electoral Board of the Registrar since these are set by the General Assembly in the Appropriations Act. The Board at the November 28th meeting reduced the salary of the Electoral Board by \$461.83 based on preliminary budget reduction figures. Total cuts for the two departments were \$5,273.00. Staff has compiled several options for the board's consideration:
 - a) Restore funding cut in November (\$461.82) and have the locality fund the \$5,273 cut to the two offices.
 - b) Reduce the budget for the department to reflect the cuts from the state.
 - c) Request that the Electoral Board and Registrar review their respective budgets and recommend areas for reduction based upon the state's reduced funding.

After some discussion it was the consensus of the Board to recommend option C. They also would like to have the recommended cuts submitted to the Board in time for inclusion in the January 6, 2003 Board packet.

5. **Industrial Development Authority Appointments:** The terms of two members of the IDA will expire on December 31, 2002, Richard Robinson and Cecil Wooldridge. Staff recommends Mr. Robinson and Mr. Wooldridge be re-appointed for four year term expiring on December 31, 2006.

On a motion by Mr. Kendrick seconded by Mr. Moore, the Board agreed to re-appoint Mr. Richard Robinson and Mr. Cecil Wooldridge to the Industrial Development Authority for a term to expire on December 31, 2006. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

6. **“No Car Tax” Repeal Resolution:** The Farmville Town Council and the Prince Edward County Board of Supervisors have passed a resolution urging the repeal of the “no car tax” legislation that was enacted by the General Assembly. Staff is recommending that the Board consider adopting the resolution with the understanding that if it does so, it is very doubtful that the General Assembly will take any action.

Mr. Carwile is glad that someone has taken a stand on this issue. He has been against this ever since Mr. Gilmore suggested reduction of this tax. He feels it is a fair and just tax.

Mr. Moore feels it is a good idea but it will not pass in the General Assembly. Nothing will happen. However, he will support the resolution. He feels the need for a review of the income taxes.

Mr. Kendrick stated we have already adopted a Regional Resolution but he is in favor of supporting this resolution. He would really rather see a better sales tax system because the current one is totally inadequate.

Mr. Carter feels it is a fair tax because everyone who owns a vehicle, pays taxes.

After some discussion, Mr. Carwile made a motion seconded by Mr. Moore to adopt the following resolution of support:

Whereas, elimination of the personal property tax on automobiles currently costs the Commonwealth of Virginia \$825 million a year.

Whereas, Governor Mark Warner has enacted budget cuts to save \$858 million over the next two years.

Whereas, the \$858 million budget cuts include, but are not limited to the following:

- The loss of funding for tourism promotion
- The loss of funding for workforce training
- The loss of funding for small business development
- The loss of funding for health education programs
- The loss of funding for colleges and universities
- The loss of funding for economic development
- The loss of thousands of jobs

Whereas, the loss of the aforementioned core services, programs and jobs will have a negative impact on Appomattox County and its environs,

Whereas, the loss of the aforementioned core services, programs and jobs will have a negative impact on the entire Commonwealth of Virginia and its citizens,

Therefore, let it be resolved, that the Appomattox County Board of Supervisors did, in open session on December 16, 2002, unanimously vote to request Governor Mark Warner

and Members of the Virginia General Assembly to reinstate the Personal Property Tax on automobiles until the economy of Virginia is restored to health.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

7. **Hunting Regulations:** At the last meeting, a question was raised concerning hunters shooting from the road. Page 24 of the "Hunting and Trapping in Virginia" handbook clearly states that it is illegal to shoot from the road. This handbook also states that localities have the ability to impose greater road hunting restrictions through the use of setbacks from the road.

Mr. Kendrick stated that he thought the question was not "shooting from the road" but the carrying of loaded guns on the highway.

Mr. Carroll stated that on page 28, Items 15 - 21, of the handbook deals with the various laws controlling weapons on the roadway that could be enacted by a locality.

Mr. Kendrick would like to find out more regarding these regulations and discuss again at the January 21st meeting.

Mr. Kendrick made a motion seconded by Mr. Carwile to table this discussion until the January 21, 2003 meeting. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Consent Agenda: (Items 8-16)**

8. **Approval of Bills:** Approval of bills as presented for payment.

9. **Approval of Minutes:** Approval of minutes for Joint Work Session on July 29, 2002; Regular Meeting of August 5, 2002; Joint Meeting with School Board re: Insurance of August 19, 2002; Regular Meeting and Public Hearing of August 19, 2002; Regular meeting of September 3, 2002; Regular Meeting and Public Hearing of September 16, 2002; VDOT Meeting of October 7, 2002; Regular meeting and Public Hearing of October 28, 2002 and Regular Meeting and Public hearing of November 18, 2002.

Board Actions:

10. **Courthouse Project:** Please approve the following items as they relate to the Courthouse project:

\$12,230.46 - Billing for services through September 9. Related to Courtland Field location.

\$108,467.78 - Billing for 50% completion of Construction Documents.

Project Memo - Outlines the Design Service Billing Schedule for the New Courthouse Project.

11. **Comprehensive Services Act:** Please approve the transfer of \$507.50 from the CSA Administrative Fund to 5310-3002 Administration for legal services associated with a CSA case.

Supplemental Appropriations:

12. **Sheriff's Department:** Please approve the following supplemental appropriation as requested:
- | | |
|------------------------------|----------|
| 3102-1002 – Regular Overtime | \$465.76 |
|------------------------------|----------|
13. **Library:** Please approve the following supplemental appropriations as requested by the Library:
- | | |
|----------------------------------|----------|
| 7301 - 5401 - Office Supplies | \$179.40 |
| 7301 - 5411 - Books | 230.13 |
| 7301 – 5203 - Telecommunications | 29.39 |
14. **Legal Services:** Please approve the following supplemental appropriation for legal cost associated with various litigation:
- | | |
|-----------------------------------|-------------|
| 1204 – 3002 Professional Services | \$31,893.84 |
|-----------------------------------|-------------|
15. **Economic Development – Water Study:** Please approve supplemental appropriation for funds received from Virginia's Region 2000 to match Tobacco Indemnification funds to perform the Water Study with the Town.
- | | |
|---|-------------|
| 8105 – 6101 – Tobacco Grant Water Study | \$13,800.00 |
|---|-------------|

Budget Reductions:

16. **Library:** As requested, the Library Board has provided the Board with its budget reductions that reflect a decrease in state funding. Please approve the budget reduction as submitted:
- | | |
|---------------------|--------------|
| 7301 – 5411 – Books | - \$4,983.00 |
|---------------------|--------------|

After some discussion Mr. Kendrick suggested that the Board reserve the right to discuss Item 10 – Courthouse Project and Item 14 – Legal Services in Closed Session.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the **Consent Agenda** as submitted with the exception of Item 10 – Courthouse Project and Item 14 - Legal Services. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next presented the **Informational Items: (Items 17 –21)**

17. **School Board:** School Board meeting schedule for the Calendar Year of 2003.
18. **Business Development Centre, Inc.:** Activity report for the months of October and November, 2002.
19. **Auditor of Public Accounts:** Audit report of the Clerk of the Circuit Court performed for the past fiscal year.
20. **Appomattox Town Council Agenda:** Agenda of Town Council meeting of December 9, 2002.
21. **Landfill Inspection:** DEQ inspection report for inspection performed on October 23, 2002.

At 8:00 P.M. Mr. Carter called for a brief recess.

At 8:12 P.M. Mr. Carter reopened the meeting and stated that the Board needed to enter into Closed Session as per §2.2-3711-A.1 of the Code of Virginia – Discussion of a Personnel Matter concerning an appointed official of the Board.

At 8:13 P.M. Mr. Kendrick made a motion seconded by Mr. Moore to enter into Closed Session to discuss an appointed official of the Board as per §2.2-3711-A.1 – Personnel. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

At 8:43 P.M. on a motion by Mr. Carwile seconded by Mr. Carter the Board returned to regular session. Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711-A.1 – Personnel, Of the Code of Virginia for the purpose of discussing an appointed official of the Board.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick aye; and Mr. Carter, aye.

Mr. Kendrick made a motion seconded by Mr. Carter to instruct the County Administrator to draft a job description and an Request for Proposal for the position of County Attorney. VOTE: Mr. Carwile, aye; Mr. Moore, aye, Mr. Kendrick, aye; and Mr. Moore, aye.

Mr. Carter asked if the Board wished to approve Items 10 and 14 of the Consent Agenda at this time.

Mr. Moore made a motion seconded by Mr. Kendrick to approve Item 10 – Courthouse Project and Item 14 – Legal Services of the Consent Agenda as presented. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter then called for **Supervisor Concerns**: No one had anything further to discuss.

At 8:45 P.M. Mr. Moore made a motion to adjourn. Mr. Kendrick seconded. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Samuel E. Carter

Samuel E. Carter, Chairman

Monday, January 6, 2003 the Appomattox County Board of Supervisors held its annual Organizational Meeting at 6:30 p.m. at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, VA.

PRESENT:

Samuel E. Carter – Courthouse District
 Frank H. Carwile – Wreck Island District
 Jesse L. Hancock – Falling River District
 Jerry G. Kendrick – Appomattox River District
 Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Andy Carroll – County Administrator
 Lee Byrd, County Attorney – Sands, Anderson, Marks & Miller.

At 6:30 p.m. the meeting was called to order by Mr. Andy Carroll, County Administrator. Mr. Kendrick was asked to give the invocation.

This being the organizational meeting, Mr. Carroll stated the first item for consideration was the nominations for Chairman and the election of Vice-Chairman. Mr. Carroll asked if there were any questions regarding the nomination process.

Mr. Carwile nominated Mr. Jesse Hancock for Chairman of the Board.
 Mr. Kendrick nominated Mr. Samuel E. Carter as Chairman of the Board.

Mr. Carroll stated that Mr. Hancock and Mr. Carter had been nominated for the position of Chairman of the Board and asked if there were any other nominations at this time. Hearing none, Mr. Carroll then closed the nominations and called for discussion on the nominees

Mr. Carwile stated that he was serving in his twelfth year and Mr. Hancock had been on the Board for four years. He recognized the fine job Mr. Carter has done during his term as Chairman but he felt like each member of the Board should have the opportunity to serve as chair if he so desired. He then asked Mr. Hancock if he would serve as Chairman if so elected.

Mr. Hancock agreed to serve if elected and he stated that in fairness to all members of the Board that in the future they go to a rotation process and give everyone a chance to serve one year as Chairman during their four (4) year term.

Mr. Carwile further stated that many counties have a rotation process and if a member chooses not to serve as Chairman, he may decline. He feels Mr. Hancock deserves to be elected Chairman.

Mr. Carroll then called for a vote on the nomination of Mr. Jesse Hancock. VOTE: Mr. Hancock, a ye; Mr. Carwile, aye; Mr. Carter, nay; Mr. Kendrick, nay; and Mr. Moore, nay. (2 aye votes and 3 nay votes)

Mr. Carroll then called for a vote on the nomination of Mr. Samuel E. Carter. VOTE: Mr. Hancock, nay; Mr. Carwile, nay; Mr. Carter, aye; Mr. Kendrick, aye; and Mr. Moore, aye. (2 nay votes and 3 aye votes).

Mr. Carroll then stated that Mr. Samuel E. Carter has been elected as the Chairman of the Board of Supervisors for the year 2003. Mr. Carroll then turned the meeting over to Mr. Carter.

Mr. Carter opened the floor for nominations for Vice-Chairman of the Board.

Mr. Moore nominated Mr. Jesse L. Hancock for Vice-Chairman.

Mr. Hancock nominated Mr. Jerry Kendrick for Vice-Chairman.

Mr. Carter called for discussion on the nominees.

Mr. Carwile stated he felt both nominees should inform the Board whether they will honor this position if so elected.

Mr. Hancock stated he declined the nomination.

Mr. Kendrick stated he would prefer that Mr. Hancock take the position but since he has declined, he will be honored to accept the nomination.

Being no further discussion, Mr. Carter called for a vote on Mr. Kendrick serving as Vice-Chairman of the Board of Supervisors for the year 2003. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter called attention to the proposed meeting dates for the upcoming year (2003).

Mr. Carwile stated he would like to speak for the people regarding Closed Sessions. He would like to move this item to Supervisors Concerns for discussion.

Mr. Moore suggested that they change the meeting a Tuesday night instead of a Monday night meeting. Mr. Kendrick agreed that Tuesday would be more suitable for him.

After some discussion Mr. Kendrick made a motion seconded by Mr. Moore to hold the Board of Supervisors meetings at 6:30 p.m. on the first and third Tuesdays of each month for the Calendar Year 2003. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

The Board by consensus adopted Robert's Rules of Order, Newly Revised, as interpreted by the Chair, as the governing factor for meetings.

The next item on the agenda was the **Citizen Public Comment Period**. There were no comments to be heard at this time.

Mr. Carter then called Mr. Fred Kruschwitz, of the Appomattox County Community Park Committee to address the Board. Also present representing this committee were Mr. Gary Gilliam and Mr. Joel Miessner.

Mr. Kruschwitz stated the bids had been received for the first phase of construction on the park project. Two (2) bids had been received and were opened on Friday, January 3, 2003: Pearson Construction for \$97,595.00 (including performance bond)

D. S. Nash Construction for \$65,745.00 (including a \$800.00 performance bond) Mr. Kruschwitz does not feel a performance bond is necessary. They were very pleased with the bid from D. S. Nash Construction Company. He feels that Mr. Nash is basically providing this job at near cost. He is recommending the Board accept this bid of \$65,745.00 from D. S. Nash Construction Company, minus the \$800.00 performance bond. The committee will be responsible for getting a permit from another state agency, pay for silt fencing, stone, and also seeding, etc. They estimate this will cost an additional \$5,000.00 for starters.

There was some discussion from the Board members concerning the performance bond since they were dealing with a local contractor. Mr. Carwile questioned the time frame involved. He also suggested that the reins be kept tight because we are dealing with the taxpayers money.

Mr. Kruschwitz stated his only concern was rock. They have done some hand borings and he does not see this as a problem. There may be some smaller rock they would not want to leave on the surface; therefore, there may be some overcutting and taking of soil from other areas to be used as fill in.

Mr. Carter thanked Mr. Kruschwitz and the Committee for their presentation.

Mr. Moore made a motion seconded by Mr. Carwile to authorize the County Administrator to execute a contract to D. S. Nash Construction to perform this work. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated the Board needed to enter into a closed session in accordance with §2.2-3711 A.5 and §2.2-3711 A.7 for the purpose of discussion on a prospective business location and legal matters, respectively.

At 6:58 p.m. Mr. Carwile made a motion seconded by Mr. Hancock to enter into a closed session in accordance with §2.2 – 3711 A.5 of the Code of Virginia – Prospective Business and §2.2 – 3711 A.7 of the Code of Virginia – legal matters, i.e. FOIA and Biosolids. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 9:09 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following Certifying motion:

Whereas, this Board convened in a closed meeting under Section 2.2-3711 A.5 – and Section 2.2-3711 A.7 of the Code of Virginia for the purpose of discussing a prospective business location and legal matters (FOIS & Biosolids), respectively;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then called attention to the next item on the Agenda under **ADMINISTRATIVE ITEMS:**

2. **Hunting Regulations:** At the last meeting, the Board tabled the issue of possible additional hunting regulations until the second meeting in January. Mr. Carter has requested that this item be placed on agenda for tonight.

Mr. Carwile stated he has had many calls and face to face discussions regarding this matter. He is now of the opinion that he has received a 50/50 input. He also stated that there are laws in place regarding this subject and we do not need to add to them, just have the present laws enforced.

The other members of the Board feel the same. There needs to be more enforcement of the regulations already in place. More enforcement by the Department of Game in Inland Fisheries is needed.

Mr. Kendrick made a motion seconded by Mr. Hancock to discontinue discussion of this topic. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated he had neglected to ask if there was any action to be taken as a result of the closed session.

There was no **Action from the Closed Session.**

3. **Courthouse Cornerstone:** At the last meeting the Board requested more information regarding the cost of incorporating a cornerstone into the Courthouse Project. Craddock-Cunningham has supplied information regarding this item.

Mr. Carwile stated he cannot understand why it wasn't into the mix from the beginning. He feels this response is ridiculous and the cost outrageous.

Mr. Moore stated they had a meeting of the committee today and this is not a part of the architecture whatsoever. This would involve a change order with the contractor. This would not be handled through the architect.

After some lengthy discussion, the Board by consensus tabled this until the Courthouse is built.

4. **Budget Schedule Work Plan:** Staff has prepared a proposed work plan for the completion of the FY2004 budget by April 21, 2003.

After much discussion, it was decided to discuss the Budget process at the January 21st meeting.

No action was taken to adopt the proposed budget work plan.

5. **Fire Truck Reimbursement Resolution:** Staff has prepared a resolution for the expending of funds on the new fire truck. This resolution allows the Board to reimburse itself for funds expended. The County will pay cash for its portions of the fire truck (\$262,500.00), then finance this amount at a later date. The fire truck should be ready for delivery by the end of January and these funds will be expended at the next meeting.

After some discussion Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
APPOMATTOX COUNTY, VIRGINIA DECLARING ITS
INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS
OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN
EXPENDITURES MADE AND/OR TO BE MADE IN
CONNECTION WITH THE ACQUISITION OF FIRE TRUCKS
AND EQUIPMENT FOR THE COUNTY**

WHEREAS, the County of Appomattox, Virginia (**the "County"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the County has paid, beginning no earlier than November 7, 2002 (60 days prior to adoption of this resolution), and will pay, on and after the date hereof, certain expenditures (**the "Expenditures"**) in connection with the acquisition of certain fire trucks and equipment, including but not limited to a freightliner chassis and aerial ladder (75') truck for the County (**the "Project"**); and

WHEREAS, the Board of Supervisors of the County (**the "Board"**) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA, AS FOLLOWS:

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after November 7, 2002, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$262,500.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

6. **Board of Building Code Appeals:** Two members of the Board of Building Code Appeals terms expired on December 31, 2002. Staff recommends that Earl Dickerson and Robert Childress be re-appointed for another three year term to expire on December 31, 2005.

Mr. Moore made a motion seconded by Mr. Kendrick to reappoint Mr. Earl Dickerson and Mr. Robert Childress to the Board of Building Code Appeals for another three year term to expire on December 31, 2005. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Kendrick, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes).

Mr. Carter next presented the **Consent Agenda: (Items 7-13)**

7. **Approval of Bills:** Please approve bills for payment as presented.
8. **Approval of Minutes:** Please approve minutes of Regular Meeting of 9-3-02; Regular Meeting and Public Hearing of 9-16-02; Regular Meeting 10-7-02; Regular Meeting and Public Hearing of 10-28-02; Regular Meeting and Public Hearing of 11-18-02; Regular Meeting of 12-2-02; and Regular Meeting of 12-16-02.

Board Actions:

9. **Dry Well Program:** This program has been enacted by Gov. Warner to help those qualifying individuals with the cost of replacement wells as a result of the drought. Lyn-Cag would operate the program on the County's behalf, with the County having the financial responsibility by acting as the financial agent. Staff requests the Board designate Lyn-Cag as the grant sub recipient for Appomattox County.
10. **Courthouse Project:** Please approve the following bill for the Courthouse Project. \$55,064.64 – for 75% completion of Construction Documents.
11. **Capital Improvement Fund Transfer:** Please approve transfer of funds (\$700,000.00) from the General Revenue Fund to the Capital Improvement Fund as budgeted by the Board.

Supplemental Appropriations:

- 1.2 **Sheriff's Department:** Please approve the following supplemental appropriations:

3102-1002 – Regular Overtime	\$783.16
3102-5408 – Vehicle Power Equipment Supplies	300.00
3102-1002 – Regular Overtime	275.85
3102-1002 – Regular Overtime	91.95
3102-1002 – Regular Overtime	156.32
3102-1002 – Regular Overtime	36.78
3102-1002 – Regular Overtime	55.17
3102-1002 – Regular Overtime	165.51
3102-1002 – Regular Overtime	147.12

Budget Reductions/Supplemental Appropriations:

13. **Registrar:** The Electoral Board has provided its proposed budget reductions reflecting the decrease in state funding. Please approve budget reductions as submitted.

1301-1002 – Election Officials Wages	-\$4,173.00
1301-3002 – Professional Services	- 200.00
1301-3004 – Repairs & Maintenance	- 300.00
1301-5401 – Office Supplies	- 300.00
1302-5501 – Mileage	- 100.00

1302-8003 – Lease Building & Equipment

- 200.00

Please approve the following supplemental appropriations as requested:

1301-1001 * - Salaries & Wages +\$ 429.00

1302-2001 * - FICA + 32.82

(*indicates items that were reduced at the November 18, 2002 meeting that are now being supplemented back to the budget) (Total reduced as a result of the budget reduction is \$5,273.00)

Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Informational Items: (items 14-16)**

14. **Budget Issues:** Governor's remarks of December 20, 2002 to the House Appropriations and Senate Finance Committee regarding his proposed budget.
15. **VACo/VML Legislative Day – January 23, 2003:** If any Board member wishes to attend this event, please contact the County Administrator before January 10th so the registration can be submitted.
16. **Supervisor's Concerns:** Mr. Carter asked if there were any Supervisor Concerns to be presented as this time.

Mr. Carwile stated as he had earlier that he would like to discuss the Closed Session of the Board meetings. He feels the citizens are being "turned off" by having a closed session at the beginning or middle of the meeting. The citizens do not like having to wait from thirty minutes to an hour to hear the discussion on items of interest to them while the Board holds a "closed session". He feels we are doing our citizens an injustice by not waiting until the end of the meeting to hold our closed sessions.

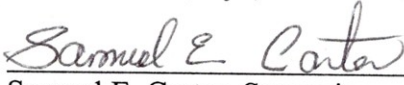
Mr. Kendrick stated he heard what Mr. Carwile was saying and tends to want to agree. When he was first elected to the Board the closed session was at the end of the meeting and they were criticized heavily for doing so. He feels the Closed Session should be managed and not take more than 30 minutes for a session or at least limit the time spent in closed session. Of course, there are some citizens who wish to hear if there are any issues to come out of the closed session.

Mr. Moore would like to narrow it down, but questions whether it can be done. It all depends on what has to be discussed.

Mr. Hancock agrees. He would like to cut the closed session and the regular meeting, to maybe thirty minutes for closed session and one hour for regular session. If we cannot take care of everything in this length of time, we have a problem.

Mr. Kendrick made a motion, seconded by Mr. Carwile to move the closed session to the end of the meeting and try to limit to thirty minutes. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 9:45 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn.
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Supervisor

On Tuesday, January 21, 2003 at 6:30 p.m., the Appomattox County Board of Supervisors, the Appomattox County Planning Commission and the Appomattox County Joint Board of Zoning Appeals held a joint meeting and public hearing at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

PRESENT: (Planning Commission)

Kevin O'Brien – Chairman
Calvin Tanner
Jerry Hughes
Steve Conner
Robert Johnson
Susan Hudson
Marvin Mitchell
Jim Seftor
John Wilson

ABSENT: (Planning Commission)

Al Sears

PRESENT: (Board of Zoning Appeals)

James Cheatham
Clifford Harvey
Dot Wooten
Susan Hudson
Dale Campbell

ALSO PRESENT:

Andy Carroll – County Administrator

John Spencer – Assistant County Administrator
Brandon Stidham – County Planner

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Moore to give the invocation.

Mr. Carter stated the first item on the Agenda was the **Citizen Comment Period**:

Mr. John Wilson came forward. His subject of discussion was Citizen Interest/Apathy. He has on numerous occasions heard that the people do not care and they will not get involved or educate themselves in public issues. Some officials and some citizens may have concluded that most of the citizens want no part in deciding their own affairs. They may feel that you were elected and or paid to act as county officials on their behalf. If this is true they have completely misunderstood the democratic system. He stated Appomattox County needs to be more proactive in involving the community in issues such as the new school and the courthouse project. He also gave a short history of what the intent of our forefathers was in establishing this County.

Mr. Wilson also addressed the Cable TV system. He proposed that the Board of Supervisors secure the exclusive use of a public service channel. This service can be obtained with little or no cost to the county. Mr. Wilson provided the Board members with documentation of this service.

Mr. Garet Bosiger came forward and thanked the Board of Supervisors for not taking any further action on the hunting regulations. Mr. Bosiger stated several hunting organizations in the County believe in hunting with dogs. They feel that in the future the right to hunt with dogs will be assailed in our area, in Virginia, and in the eastern United States. He and the other hunters in the county appreciate the stand you have taken and urge you to be aware of those who will approach you seeking more and more regulations.

Mr. Carter asked if anyone else present wished to address the Board.

Mr. Carter next called Mr. Paul Lee of Robinson, Farmer, Cox to address the Board regarding the audit report for FY 2002.

Mr. Lee stated the balance of the County's fund was in the neighborhood of \$3.56 million and within the 15% range, and in level with the overall budget. Tax collection is up this year, about 98.95%. There were no problems with the audit. Next year the fixed assets will change. The report will be more of a business model as opposed to the governmental model used now. This report will include buildings, vehicles, schools, buses, etc. as well as property.

Mr. Kendrick questioned why the change. Mr. Lee replied, the change is required by the GASB (General Accounting Standards Board). He would just as soon leave it as it is.

Mr. Carwile stated he had heard rumors that the County was in a financial crisis, but from what he could see in the Audit Report this was not so. Mr. Lee stated the County is not in

a financial crisis. Monies were added to the general fund as well as the Capitol Improvement Projects Fund.

After some general discussion, Mr. Carter thanked Mr. Lee for appearing and for the work he has done for the County.

At 7:00 p.m. Mr. Carter opened the Joint Public Hearing and read the following statement:

- \$ This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.
- \$ Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.
- \$ We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Stidham read the first petition:

03-514 – Clayton C. Bryant: Rezone property from R-1 – Residential to B-1 – Business. Property is located on US Route 460 between Rt. 1045 and Rt. 613, Tax Map #63 (A)70 & 71.

Mr. Stidham called for comments for the petition.

Ms. Kathy Harris came forward, gave her address as P. O. Box 1021, Appomattox. Ms. Harris works for Mr. Bryant as a secretary. She feels this property should be re-zoned to Business because there have been several businesses there in the past

No one else came forward to speak for or against the petition.

Mr. Stidham read the next petition:

03-515 – Betty Cartrett: Appeal zoning administrator's interpretation of definition of mobile home and its use as an accessory building in the R-1 Residential District. Subject property is located on Route 727 between Rt. 642 and Rt. 604, Tax Map #76(A)30.

Mr. Stidham called for comments for the petition.

Ms. Betty Cartrett came forward and gave her address as Route 5, Box 708, Appomattox, Va. They want to make a mobile home into a garage. Nowhere is there stated that you

cannot make it into a garage. At what point do you make a mobile home not a home anymore. Once you take out the partitions and it is just a shell it can no longer be considered a home.

Mr. Carl Bane of Rt. 5, Box 708, Appomattox came forward and stated that as they had written in their letter, they had read the zoning code and no where does it say that it can't be a mobile home. They have also found several mobile home that have been converted to storage sheds, some of which they were told were grand-fathered. He has been unable to find documentation that this is so. Mr. Bane read portions of the zoning code pertaining to mobile homes as permitted uses. They intend to change the structure on the outside, with garage doors and vinyl siding, etc. It will no longer look like a mobile home. Their question is what is the difference between their usage and some of the others that are being used for storage.

Mr. Stidham asked if anyone else wished to speak regarding this petition.

Hearing none, Mr. Stidham called for comments regarding:

Proposed Amendment to Appomattox County Zoning Ordinance §170-81, requirements for Accessory Buildings, and §170-21, Uses Exempt for Zoning Permit. These amendments to provide flexibility in the placement of accessory buildings and structures.

Mr. Stidham called for comments for or against this amendment. Hearing none, he turned the meeting back to Mr. Carter.

At 7:05 p.m. Mr. Carter closed the public hearing and called for a two minute recess.

At 7:08 p.m. Mr. Carter re-opened the Board meeting and called for the first items on the **ADMINISTRATIVE AGENDA:**

1. **Budget Discussion:** At the last meeting the Board discussed its desire to alter the method in which the budget was prepared and discuss it at this meeting.

Mr. Carwile is of the opinion that he has to know what he can spend before he plans to spend it. He feels this same idea should be observed by the county. We need to know what needs to be spent and then hold the line on last year's budget for each department. If we need to cut expenditures, then we can take a percentage of each department's budget. This is the only fair and just way to handle this situation.

Also he would like to hold the tax rate at .66 cents.

The other Board Members agreed that this was a good idea and they all have the same goal, that being not raising the tax rate.

Mr. Carroll was instructed to do what is necessary to bring in a balanced budget with various scenarios and cooperatively working with the various departments and offices.

2. **Request for Proposal – Legal Services:** Draft RFP for legal services and time schedule is presented to the Board for approval.

Mr. Kendrick stated the RFP seemed to be in order but he would like to see a job description added to this proposal.

It was the consensus of the Board to add a job description to the RFP.

Mr. Carwile made a motion seconded by Mr. Kendrick to proceed with the advertisement of the RFP for legal services. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

3. **Nesbe Cable:** This item was tabled from the last meeting. Nesbe Franchise Agreement was provided in December 16th Board Packet.

Mr. Carwile stated that he needed time to digest what Mr. Wilson had presented to the Board tonight. He also called upon Mr. Danny Jobe, General Manager of NESBE to present his comments for the providing of this channel to the county.

Mr. Jobe stated that in terms of providing this service to the county, there would be no problem. They do have the channel capacity in Appomattox County. His only concern is where do we put this channel and how do we get the signal. The present signal emanates from Rustburg. He does not see any problems other than a few minor technical difficulties if the county is willing to purchase the equipment necessary to put this channel on the air.

Mr. Carter stated he understood the Town of Appomattox had the capability already set up to encompass all of this and it takes manpower to incorporate what Mr. Wilson is talking about.

Mr. Jobe commented that it will take man hours to enter into the system. The amount depends on what you plan to do. He also suggested that we enter into an agreement with the Town to do this.

After a lengthy discussion on what was involved and how many customers would actually benefit from this service, Mr. Kendrick suggested that we table this for the present time.

4. **Actions Committee:** The ACTIONS Committee is prepared to sell property located on Route 604. This property was donated with the intended purpose of using the proceeds of the sale of this property to build/improve the athletic facilities at the high school. The County must schedule a Public Hearing regarding the disposition of this property for Tuesday February 18th in order to meet the ACTIONS committee's plan for auctioning this property on Wednesday, March 19th at 12:30 p.m.

Mr. Kendrick made a motion seconded by Mr. Carwile to accept the recommendation of the ACTIONS Committee to hold a public hearing in regards to the disposition of this property. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye, and Mr. Carter, aye. (5 aye votes)

5. House Bill 1397 – Resolution Supporting HB 1397 as proposed by Del. Hull to provide equal taxing authority to counties and cities.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution supporting HB 1397.

**Resolution of Support
HB 1397
Appomattox County Board of Supervisors**

WHEREAS, sixty-two percent of the revenue generated by Virginia's local governments to pay for local services is generated at the local level; and

WHEREAS, seventy-five percent of this local revenue is derived from four sources; the real estate tax, the personal property tax, charges for services, and sales tax; and

WHEREAS, the real estate tax makes up the largest portion of local revenue at forty-three percent of the total; and

WHEREAS, in Appomattox County the real estate tax comprises fifty percent of locally generated revenue; and

WHEREAS, because counties have very few unrestricted revenue options available, the burden to balance county budgets often falls on the real estate tax; and

WHEREAS, counties in Virginia need to diversify their revenue base to reduce the burden on the real estate tax; and

WHEREAS, Section 15.2-1104 of the Code of Virginia sets forth the financial powers of cities and towns but counties do not have comparable language in the code; and

WHEREAS, Section 15.2-1104 of the Code of Virginia therefore allows cities and towns to raise taxes and assessments on property, persons, and other subjects of taxation that are not otherwise prohibited by law and the practical application of this results in the ability of cities and towns to levy cigarette taxes and admissions taxes, levy transient occupancy taxes without a cap or restrictions, a levy on meals tax without a cap and without holding a voter referendum; and

WHEREAS, Section 15.2 of the Code of Virginia should be amended to grant counties the same powers of taxation as cities and towns; and

WHEREAS, HB 1397 (Hull) amends Sections 15.2-204 and 15.2-1200 of the Code of Virginia to grant counties the same powers of taxation as cities and towns; and

NOW, THEREFORE, BE IT RESOLVED, THAT the Appomattox County Board of Supervisors supports HB 1397 and urges its General Assembly delegation to support HB 1397 in the 2003 General Assembly.

VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

6. **Dry Well Program:** At the last meeting the Board approved Lyn-Cag as the sub-recipient for this program. A public hearing is necessary to receive comments on the requirements to meet the state guidelines for operating this program. Staff has been informed that this does not have to be held in conjunction with a regular Board Meeting.

After some discussion Mr. Kendrick made a motion seconded by Mr. Carwile to set the Public Hearing for the Dry Well Program for either February 5th or February 10th.

VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

7. **Temporary Courthouse:** Judge Blanton has toured the old Appomattox Elementary School building and has approved the use of the cafeteria area and adjacent rooms for use as a temporary courthouse during the courthouse construction process. Mr. Carroll met with the School Board on January 16th to request their approval.

Mr. Carroll stated he had attended the School Board meeting on January 16th. The School Board authorized the Superintendent to execute an agreement with the Board of Supervisors for the use of the cafeteria and the gym as well, for use as a temporary courthouse facility and by the AYS for recreational purposes. Dr. Krug's letter outlines very well what the agreement would contain.

Mr. Carwile stated that he personally did not feel the School Board had lived up to their agreement of turning the old Elementary School property over to the county after the new building was completed.

Other members stated their disappointment of the School Board's actions regarding this property.

There was some discussion regarding what the School Board intends to do with this property and the fact that they continue to own the building.

Mr. Carwile made a motion seconded by Mr. Kendrick to have Mr. Carter and Mr. Kendrick meet with the School Board to discuss this situation. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Kendrick made a motion seconded by Mr. Carwile to have Mr. Moore and Mr. Carroll work on the agreement with the School Board. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 8. Local Revenue Maximization Agreement:** The Board has received the Agreement between Appomattox County and the Virginia Department of Social Services which will allow the County to recoup local funds spent on certain prevention measures for youth. This agreement serves as a mechanism to access federal funds. The previous agreement has expired.

Mr. Kendrick made a motion seconded by Mr. Carwile to accept the Local Revenue Maximization Agreement as submitted. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Consent Agenda Items:** (items 9-18)

- 9. Approval of Bills:** Approve bills as submitted.

Board Actions:

Transfer of Funds:

- 10: Comprehensive Service Administration:** Approve transfer of \$3,750.00 from the CSA-Administration fund to the General Revenue Fund to pay for contracted services with Campbell County.

Transfer of Funds/Supplemental Appropriations:

- 11. CommunityPark:** Approve the transfer and supplemental appropriation of \$149.42 from the Sports Complex fund to 7101-3007 Advertising to pay for bid advertisement related to the first phase of the park's development.
- 12. Fire Truck:** Approve the transfer and supplemental appropriation of \$262,500.00 from the Capital Improvement Fund to 3202-7004 – AVFD Ladder Truck – 2003. The Board adopted a reimbursement resolution at the last meeting that will allow it to replace the funds in the CIP once/if a financing is performed.

Supplemental Appropriations:

- 13. Sheriff's Department:** Approve supplemental appropriations as requested by the Sheriff's Department. This represents funds approved by the Compensation Board for an additional deputy to meet the 1:1500 ratio. These funds were not included in the FY03 County budget.

3102-1001 – Salary and Wages	\$23,329.00
3102-2001 – FICA	\$ 1,785.00
3102-2002 – VRS Retirement	\$2,566.00
3102-2005 – BC/BS	\$3,528.00
3102-2009 – Unemployment Insurance	\$ 70.00

14. **Clerk of the Court:** Mrs. Williams has requested that the County perform payroll services for her office as a result of the reduced funding from the Compensation Board. Please approve Mrs. Williams request to have payroll functions performed by the County and the supplemental appropriations necessary to perform this service. (Mrs. Williams will make arrangements with the Compensation Board to have the revenue directed to the County.)

2106-1001 – Salary and Wages	\$72,194.50
2106-2002 – VRS Retirement	\$ 1,444.00
2106-2009 – Unemployment Insurance	\$ 102.65

15. **Library:** Approve the following supplemental requests.

7301-5203 – Telecommunications	\$ 22.10
7301-5402 – Office Supplies	\$ 196.80
7301-5411 - Books	\$ 435.65

16. **Rescue Squad:** Supplemental requested for additional funds received from State for “Two for Life” Program.

3203-5604 - Contributions ACRS	\$546.00
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17. **Legal Services:** Approve supplemental appropriation for legal services.

1204-3002 – Professional Services	\$3,406.14
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18. **School:** Approve supplemental appropriation for \$1,300.39 for premiums received from retirees/cobra for health insurance premiums.

After some discussion regarding item 14, Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye; (5 aye votes)

Mr. Carter next called attention to the **Informational Items: (19-24)**

19. **Board Meeting dates for Calendar Year 2003:** Comments have been received regarding the change in the meeting dates. Citizens would prefer to keep them on Monday night. Also, meeting on Tuesday night was in conflict with the publication of the local newspaper.

The Board by consensus approved to hold its meeting on the First and Third Mondays of each month, with the exception of Mondays that are holidays, in which case the meeting will be held on Tuesday.

20. **Letter from Governor Warner:** Letter received regarding Car Tax resolution.
21. **Letter from Garet Bosiger:** Letter thanking Board for not imposing further hunting/firearms restrictions.
22. **Appomattox Town Council Agenda:** Agenda for meeting of January 13, 2003.

23. **Monthly Financial Report from School:** Monthly Financial Report for February, 2003.
24. **St. Anne's Episcopal Church:** Letter thanking Board for providing temporary space for the Good Samaritan Clothes Closet.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Carter stated that each member had received a letter from "Appomattox County Concerned Citizens" asking that this Board be willing to meet with the School Board to discuss the 2003-2004 Budget. He feels that we, as representatives of the taxpayer, need to have this meeting and listen to what the concern citizens have to say in regards to a response to this item. We, as a Board, should be willing to meet with the School Board and these citizens to have a comments session. Our hands are tied to a certain degree as we cannot dictate to the School Board regarding line items, etc.

Mr. Kendrick feels we should have a meeting prior to establishing our position, what our income is, our expenses are and how the appropriations should be.

Mr. Carwile stated we do have a meeting with the School Board and these are open to the public. We need to accept the input and satisfy the terms of this letter.

Mr. Moore agrees that the citizens could participate at the public meeting with the School Board.

Mr. Carter also requested clarification on the performance bond on the Recreational Park Contract.

The Board by consensus agreed not to require a performance bond from D. S. Nash Construction Company.

Mr. Carter stated the Board needed to enter into a closed meeting in accordance with §2.2-3711(A) (3) of the Code of Virginia for the purpose of discussion of acquisition of real property.

At 8:15 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to enter into a closed meeting in accordance with §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion of acquisition of real property. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Hancock left the meeting at 8:15 p.m.

At 8:26 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Kendrick, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then read the following certifying motion:

Whereas, this Board convened in a closed meeting under section 2.2-3711(A)(3) Of the Code of Virginia for the purpose of discussion of acquisition of real property.

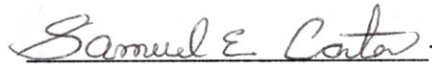
And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Kendrick, aye; Mr. Carwile, aye; Mr. Moore, aye, and Mr. Carter, aye. (4 aye votes)

Mr. Carter stated there was no action to be taken as a result of the closed meeting.

At 8:27 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to adjourn. VOTE: Mr. Kendrick, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)



Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, February 4, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ABSENT: Frank H. Carwile – Wreck Island District

ALSO PRESENT:
Andy Carroll – County Administrator
John Spencer – Assistant County Administrator

At 6:34 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter then called for **Citizens Public Comments**: No one came forward to address the Board at this time.

Mr. Carter then called Mr. Robert Mitchell, Mayor, Town of Pamplin to address the Board.

Mr. Mitchell is requesting that the Board provide support to a CDBG (Community Development Block Grant) application in the form of waived landfill fees for the project. The Board approved a similar request with certain stipulations last year.

Mr. Mitchell provided a project status update on the East Pamplin project. The tipping fee waiver granted last year was a factor in the Town of Pamplin receiving this grant. They are doing two things at the same time, the housing redevelopment and sewer development and for property blight clearance. They started in the East Pamplin area and are now moving into the West Pamplin area. Mr. Mitchell provided documents outlining the status of these projects as well as the various funding sources. Mr. Mitchell also displayed a map of the Town of Pamplin detailing the East & West project boundaries.

Mr. Mitchell stated they will also comply with waste segregation categories. They are also working to reduce the actual amount of waste.

Mr. Carter congratulated the Pamplin Town Council on their efforts and their success.

Mr. Kendrick made a motion seconded by Mr. Moore to waive the landfill fees for the Pamplin Projects as requested. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then called attention to **ADMINISTRATIVE ITEMS: (Items 1-4)**

1. **Appomattox Community Development Plan:** The Planning Commission is recommending a Public Hearing date of March 17, 2003 to receive comments on the Final Draft of the Plan. The Final Draft version is available to the public at the County Administrator's Office, Appomattox and Pamplin Town Offices, the Jamerson Memorial Library as well as on the Appomattox County website (www.appomattox.com).

After some discussion the Board by consensus decided to table action on this Plan and a public hearing date until the meeting to be held on February 18, 2003.

2. **Recommendations from the Planning Commission:** The Planning Commission recommended that Petition 03-514 of Clayton C. Bryant to re-zone property from R-1 residential to B-1 business, located on US 460 between Rt. 1045 and Rt. 613, Tax Map #63(A)70 & 71 be approved.

Mr. Hancock made a motion seconded by Mr. Moore stating that for reasons of public necessity, convenience, general welfare, and good zoning practice, to approve petition #03-514 of Clayton C. Bryant, to re-zone a parcel of land located on US 460 between Rt. 1045 and Rt. 613 from R-1 to B-1, as recommended by the Planning Commission.

VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes).

3. **Accessory Building Ordinance Change:** A public hearing was held on 1-21-03 to receive comments on the proposed changes to §170-81, Requirements for

Accessory Buildings; and §170-21, Uses Exempt from Zoning Permit. These amendments are to provide flexibility in the placement of accessory buildings and structures. No comments were heard.

After a brief discussion, Mr. Moore made a motion seconded by Mr. Hancock to approve changes to The Appomattox County Zoning Ordinance, Section 170-81, Requirements for Accessory Buildings and Section 170-21, Uses exempt from Zoning Permit as presented. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes).

4. **Lease Agreement with the School:** Lease agreement between the School Board and County for the use of the old elementary school as a temporary courthouse facility and community recreation purposes has been drafted. Staff requests that the Board adopt the lease agreement so work can begin immediately on the construction of the necessary improvement to serve the court.

Mr. Carroll discussed with the Board the terms of the agreement and what options the County would have regarding upkeep and maintenance on the building.

There was some discussion regarding repairs and maintenance as opposed to capital improvements.

There was a lengthy discussion regarding the wording in the Lease Agreement as to upkeep, repairs and equipment replacement. Several Board members felt these monies were already included in the School budget. Mr. Carroll urged the Board to reach an agreement so the changes necessary for the building to be used for court purposes could get started.

Mr. Kendrick made a motion seconded by Mr. Hancock to accept the lease with an additional contingency clause that states that if maintenance expense is not already covered as part of the school budget for the old elementary school, we will be willing to sign this agreement under the condition that we sign it for maintenance expense only and not for capital expenditures. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then called attention to the **Consent Agenda:** (Items 5-9)

5. **Approval of the Bills:** Please approve bills as presented.

Board Action:

6. **Courthouse Project:** Please approve bill for Courthouse Project:
\$21,693.56 - Billing for 85% completion of Construction Documents.

Transfer of Funds/Supplemental Appropriations:

7. **Community Park:** Please approve the transfer and supplemental appropriation of \$120.00 from the Sports Complex fund to 7101-3002 Professional Services to pay for DEQ permit related to land disturbance at the recreational park.

Supplemental Appropriations:

8. Sheriff's Department: Please approve the following supplemental appropriations as requested:

3102-1002 – Regular Overtime

\$240.16

Mr. Kendrick made a motion seconded by Mr. Moore to approve the Consent Agenda as presented. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

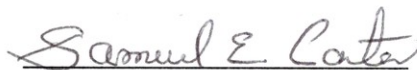
Mr. Carter next called attention to the **Informational Items:**

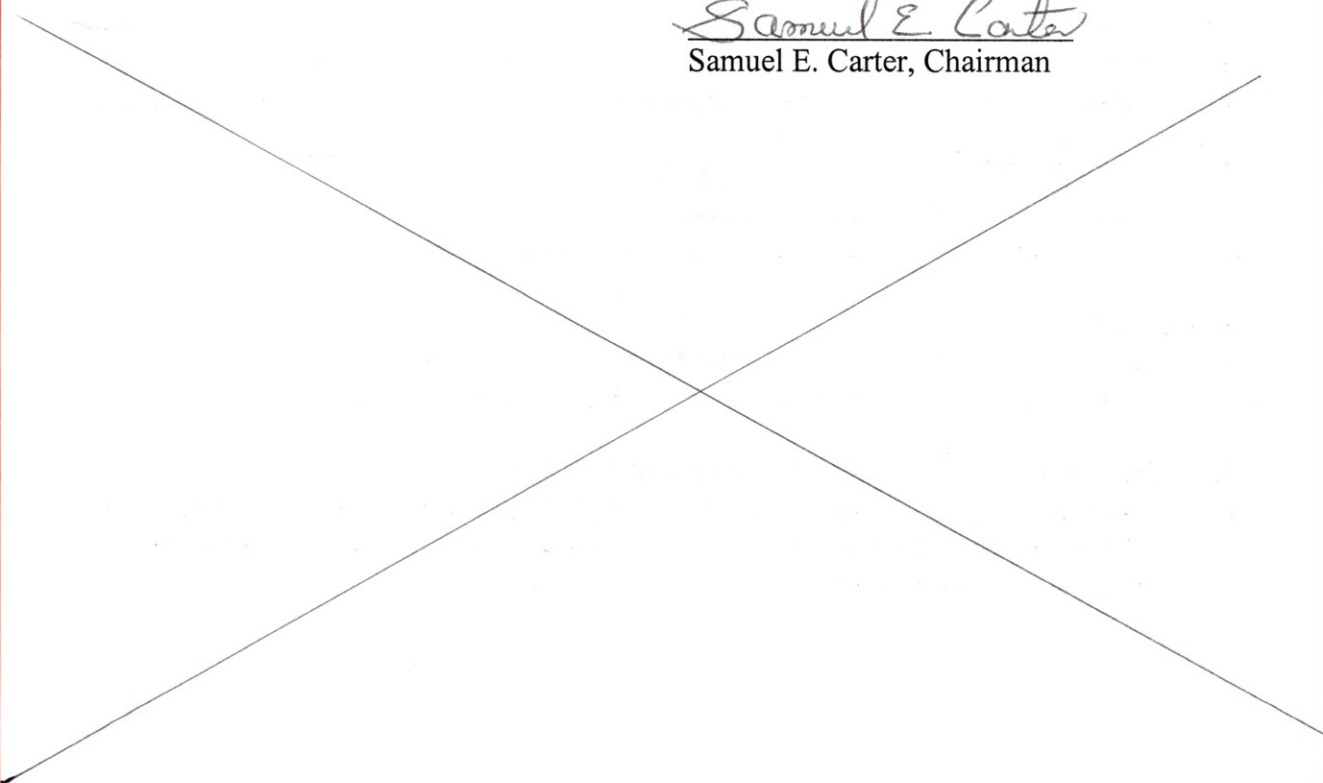
9. **Board Meeting dates for Calendar Year 2003 as Revised 1-21-03.** Board meeting date returned to Monday nights as approved at last meeting.
10. **Appomattox Town Council Agenda:** Agenda for meeting of 1-28-03.
11. **Monthly Financial Report from School:** School's financial report for the month Of March.
12. **United Way Information and Referral Center:** Report from the United Way I&R Center.

Mr. Carter next opened the meeting for **Supervisor Concerns:**

Mr. Carter discussed the Virginia Cooperative Extension correspondence received by the Board. He feels what they have done is great and they have made a fine contribution to the community. He feels this correspondence should be sent to the local newspaper and have an article written regarding these accomplishments.

At 7: 38 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)


Samuel E. Carter, Chairman



At 6:30 p.m. on Tuesday, February 18, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ABSENT: Frank H. Carwile – Wreck Island District

ALSO PRESENT:

Andy Carroll – County Administrator
John K. Spencer – Assistant County Administrator

At 6:35 p.m. Mr. Carter called the meeting to order and asked Mr. Hancock to give the invocation.

Mr. Carter stated no one had signed up to speak during the Public Comment Session.

Mr. Carter then called for discussion on the **Administrative Items: (items 1-2)**

1. **Comprehensive Plan:** The Planning Commission has completed the final draft of the Comprehensive Plan. A public hearing date has been planned for March 17 if approved by the Board.

Mr. Kendrick made a motion seconded by Mr. Moore to table this until the March 3rd, meeting. Comments are supposed to be made by February 27, 2003. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye.

2. **Sale of Real Property:** Will discuss this item following the Public Hearing.

Mr. Carter next called the Board's attention to the **Consent Agenda: (items 3-11)**

3. **Approval of Bills:** Approve bills as presented.
4. **Approve Minutes:** Minutes of Organizational meeting on January 6, 2003; Joint Meeting with Planning Commission and Board of Zoning Appeals on January 21, 2003; and Regular Meeting of February 4, 2003.

Board Action:

5. **Courthouse Project:** Please approve payment of \$10, 882.30 for 90% completion of Construction Documents.

Transfer of Funds/Supplemental Appropriations:

6. **Comprehensive Services Act:** Please transfer \$577.50 from CSA Administration Fund to 5310-3002 – Administration for legal services associated with a CSA case.

Line Item Transfers:

7. **Courthouse Project:** Please approve the following line item transfers for expenses incurred in relocation of the Registrar's Office and the mailing of voter cards.

1101-5804	Operating Reserve	delete	\$2,604.69
1302-5401	Office Supplies	add	\$ 427.50
1213-5201	Postage	add	\$1,334.41
1101-5201	Postage	add	\$ 842.78

- 8 **Legal Services:** Please approve the following line item transfer:

1101-5804	Operating Reserve	delete	\$75,000.00
1204-3002	Professional Services	add	\$75,000.00

Supplemental Appropriations:

9. **Landfill:** Please approve supplemental appropriation of \$96.00 to 4206-5413 Recycling and Litter Prevention. Reflects additional funds received from state.

10. **Sheriff's Department:** Please approve supplemental appropriations as requested:

3102-5401	Office Supplies – DARE	\$ 20.00
3102-5408	Vehicle Power Equipment Supplies	\$ 73.00
3102-7001	Equipment	\$25.00
3102-7001	Equipment	\$13,500.00*

*This amount reflects the amount approved by the Board at the 10-28-02 meeting for construction and equipping of additional inmate space.

11. **Library:** Please approve the following supplemental appropriations as requested.

7301-5411	Books	\$ 434.79
7301-5201	Postage	\$ 1.50
7301-5401	Office Supplies	\$173.71

Mr. Hancock made a motion seconded by Mr. Kendrick to approve the **Consent Agenda** as presented. VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye and Mr. Carter, aye.

Mr. Carter next presented the **Informational Items: (items 12-15)**

12. **Business Development Centre, Inc.:** Activity report for the months of October – December, 2002.
13. **State Board of Elections:** Letter from Secretary Quinn regarding the relocation of the Registrar's Office.
14. **Appomattox Town Council Agenda:** Agenda for Town Council meeting held on February 10, 2003.
15. **Coalition for Smarter Growth:** E-Mail and letter received from this coalition regarding a Mason-Dixon Poll conducted on smart growth.

Mr. Carter then called for **Supervisor Concerns:** Mr. Carter had a question for Mr. Hamlett regarding the article to be written on the Extension Office.

Mr. Hamlett stated the article was due to be published on February 26, 2003.

Mr. Carter next reminded everyone of Upcoming Meetings:

Thursday, February 20, 2003

Town Council – Dinner

Frozen Food Locker

Mr. Carter and Mr. Moore plan to attend (Will not have quorum at this meeting.)

Thursday, February 27, 2003 – Community Center at 6:30 p.m.

Enhanced E-911 Implementation Kick-off Meeting

Mr. Kendrick will be out of Country.

Will not have a quorum at this meeting.

Monday, March 3, 2003

Courthouse – 6:30 p.m

Regular Meeting

Monday, March 17, 2003

Courthouse? 6:30 p.m.

Regular Meeting

At 6:55 p.m. Mr. Carter called for a short recess.

At 7:06 p.m. Mr. Carter opened the Public Hearing for the sale of Real Property and read the following statement:

This public hearing has been scheduled in accordance with §15.2-1800 of the Code of Virginia for the purpose of receiving public comments on the proposed sale of approximately 87.68 acres of land as follows:

A certain tract of land with the buildings and improvements thereon, situated in the Southside District of the County of Appomattox, Va., being a portion of the real estate conveyed unto the Appomattox County Board of Supervisors by Deed of Record dated December 12, 1994 in the Appomattox County Circuit Court Clerk's Office in Deed Book 216, page 530.

Mr. Carter asked if anyone had any comments at this time.

Hearing none, Mr. Carter closed the public hearing at 7:07 p.m.

Mr. Carter then called for action from the Public Hearing.

2. **Sale of Real Property:** Board has received a resolution necessary to proceed with the sale of the property donated to ACTIONS for athletic fields at High

School. ACTIONS committee has scheduled the auction for Wednesday, March 19, 2003 contingent upon the Board's approval.

Having held a public hearing and receiving no comments, Mr. Kendrick made a motion seconded by Mr. Moore to approve the following resolution:

**RESOLUTION TO AUTHORIZE EXECUTION OF DEED OF TRANSFER
FOR SALE OF COUNTY-OWNED PROPERTY AT PUBLIC AUCTION**

WHEREAS, the Appomattox County Board of Supervisors intends to convey by Public Auction certain real property containing 87.68 acres owned by Appomattox County.

AND WHEREAS, the subject property is particularly described as:

A certain tract of land with the buildings and improvements thereon, situated in the Southside District of the County of Appomattox, Virginia, being a portion of the real estate conveyed unto the Appomattox County Board of Supervisors by Deed of Record dated December 12, 1994 in the Appomattox County Circuit Court Clerk's Office in Deed Book 216, at page 530.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors authorizes the County Administrator to execute, upon completion of the aforementioned Public Auction, a Deed of Transfer with the successful bidder for the subject property.

VOTE: Mr. Kendrick, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye.

At 7:09 p.m. on a motion by Mr. Moore seconded by Mr. Kendrick, the meeting was adjourned.


Samuel E. Carter, Chairman

On Monday, March 3, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Russell H. Moore – Piney Mountain District
Frank H. Carwile – Wreck Island District

ABSENT:

Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
Brandon Stidham – County Planner

At 6:32 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter then opened the floor to **Citizen Public Comments**. No one had any comments to present at this time.

Mr. Carter then introduced Mr. Ray Fuller – M/A Com and Mr. Jason Burt – M/A Com with the City of Lynchburg Emergency Communications to provide an informational presentation concerning radio system options for the County. This is an informative presentation only and no decision will be required.

After a brief question and answer session, Mr. Carter thanked Mr. Fuller and Mr. Burt for their very informative presentation.

At 7:45 p.m. Mr. Carter called for a brief recess.

At 7:50 p.m. Mr. Carter reopened the meeting and presented the **Administrative Items**:

1. **Proposed Zoning Amendment – Mobile Homes as Accessory Buildings:** The Planning Commission is recommending that the Zoning Ordinance regarding the use of mobile homes as accessory buildings be amended. A public hearing to obtain comments from the public will be necessary.

Mr. Carwile questioned the use of mobile homes for purposes other than living quarters. As he sees it, this would only be permissible in A-1 Agriculture Zoning. He cannot support it.

Mr. Stidham explained that these units could be used on R-2 residential as well as A-1 Agriculture.

Mr. Carter stated he had a concern regarding the repealing of the exception for the infirmed and elderly family members.

Mr. Stidham explained the issues regarding the elderly and infirmed.

There were some questions concerning the enforcement of this section of the ordinance.

It was the consensus of the Board to send this proposed amendment to the Zoning Ordinance back to the Planning Commission with instructions to revisit both of these issues, especially regarding the R-1 and H-1 designations.

2. **Resolution Regarding the U. S. Department of Justice – Equipment Grant Program:** Resolution is needed to authorize the County Administrator to execute the necessary applications to the state in order to receive approximately \$31,000 in federal funds which will be used to purchase equipment and training for first responders.

After some discussion, Mr. Carwile made a motion seconded by Mr. Hancock to approve the following resolution:

**DESIGNATION OF APPLICANT'S AGENT
U. S. DEPARTMENT OF JUSTICE EQUIPMENT GRANT PROGRAM
RESOLUTION**

BE IS RESOLVED BY the Board of Supervisors of Appomattox County, Virginia, that **Darrell A. Carroll, Jr., County Administrator**, is hereby authorized to execute for and in behalf of Appomattox County, Virginia, a public entity established under the laws of the Commonwealth of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

That Appomattox County, Virginia, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these grants as may be requested.

Passed and approved this 3rd day of March 2003.

VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

3. **Courthouse Project:**

- A. **Demolition Bid:** A Request for Bid for the demolition of the courthouse addition has been issued. Bids are due on March 7, 2003. Staff is requesting that the Board allow staff and the Courthouse Committee to review and approve the contract for this demolition with the lowest qualified bidder.

Mr. Carwile made a motion seconded by Mr. Hancock to approve the request for the Courthouse Committee and staff to review and approve the contract with the lowest bidder for the demolition of the courthouse additions with the stipulation that if only one bid is received, it will be necessary for the Board to meet and discuss this contract. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

- B. **Meeting Location:** Staff has been evaluating possible locations to hold future Board meetings during the demolition and construction of the new

courthouse. Current possibilities are the School Board Conference Room and the Appomattox Town Council Chambers. Both of these agencies have been gracious enough to allow the County use of their facilities. Staff recommends the council chambers for the ease of set up only. Meetings at the new location would begin with the march 17, 2003 meeting.

After some discussion, Mr. Moore made a motion seconded by Mr. Carwile to accept the use of the Appomattox Town Council Chambers for future meetings of the Board of Supervisors beginning with the March 17, 2003 meeting. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter asked that the School Board and the Town Council be sent a thank you letter for their willingness to allow use of this space.

Mr. Carter next presented the next item on the agenda:

CONSENT AGENDA: (items 4-7)

4. **Approval of Bills:** Please approve bills as presented.
5. **Approval of Minutes:** Please approve minutes of Regular meeting on February 18, 2003.

Board Actions:

6. **Comprehensive Plan:** Having received no concerns from Board Members regarding the Comprehensive Plan, staff requests a Joint Public Hearing on the final draft of the Plan be set for March 17, 2003.

Supplemental Appropriations:

7. **Sheriff's Department:** Please approve supplemental appropriations as follows:

3102-1002 – Regular Overtime	\$912.70
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Mr. Moore made a motion seconded by Mr. Carwile to approve the **Consent Agenda** as presented. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then presented the **Informational Items:**

8. **Appomattox Town Council Agenda:** Agenda for Town Council meeting/work shop held on February 25, 2003.
9. **Supervisor Concerns:** Mr. Carter then asked if anyone had concerns they wished to express at this time. Mr. Moore stated he had received a letter regarding the Oakville School property. There are a lot of vehicles being parked there. He is bringing this to the Board's attention for thought, but is not asking for any action to be taken.

This item will be placed on the Agenda for the next Board meeting, giving everyone some time to think about how to address this issue.

10. Closed Session: Mr. Carter stated it was necessary for the Board to enter into a closed session in accordance with §2.2 – 3711 A. 1 of the Code of Virginia to discuss a personnel issue – (prospective candidate for appointment, and also §2.2 – 3711 A. 7 of the Code of Virginia to discuss a legal issue – litigation (FOIA and Biosolids).

At 8:15 p.m. Mr. Moore made a motions seconded by Mr. Hancock to enter into a closed session to discuss a personnel issue and legal issue as per the Code of Virginia, §2.2-3711-A.1 and §2.2-3711-A.7. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

At 9:03 p.m., Mr. Moore made a motion seconded by Mr. Carwile to return to regular session. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under § 2.2-3711 A .7 – of the Code of Virginia, Consultation with legal counsel and briefing from staff for the purpose of discussing litigation of Aubrey R. Padgett, III vs Board of Supervisors and Tommy O'Brien vs Board of Supervisors and under §2.2-3711 A .1 – Personnel Matters for the discussion of prospective candidates for appointment.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALLED VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

11. Action from Closed Session: Mr. Carter stated that at this time he wished to make a motion that the Board hereby direct the County Attorney to withdraw the Board's appeal of Judge Colby's decision in Aubrey R. Padgett III vs. Appomattox County Board of Supervisors. (And also state our great appreciation of the Local Government Attorneys Association for it's support in this matter.) The motion was seconded by Mr. Carwile. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes)

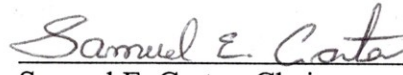
Mr. Carter then called attention to the **Upcoming Meetings:**

Monday, March 17, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, April 7, 2003

Regular Board Meeting
 Council Chambers – Appomattox Town Office
 6:30 P.M.

At 9:07 p.m. Mr. Carwile made a motion seconded by Mr. Hancock to recess this meeting until 6:30 p.m. on Monday, March 10, 2003 at the Appomattox County Courthouse to conduct interviews for appointment of County Attorney. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes).


 Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, March 10, 2003 the Appomattox County Board of Supervisors held a recessed meeting at the Appomattox County Courthouse, Courthouse Square, Court Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick - Appomattox River District

ABSENT: Jesse L. Hancock – Falling River District

ALSO PRESENT:
 Andy Carroll – County Administrator

At 6:34 p.m. Mr. Carter called the recessed meeting to order and gave the invocation.

Mr. Carter stated the purpose of the meeting was to hold a closed meeting in accordance with § 2.2-3711 A .1 of the Code of Virginia for the discussion of a personnel matter involving prospective candidates for appointment.

At 6:36 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to enter into a closed session in accordance with § 2.2-3711 A .1 of the Code of Virginia for the discussion of a personnel matter involving prospective candidates for appointment. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes)

At 8:47 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711-A .1 of the Code of Virginia, for the purpose of discussion of a personnel matter involving prospective candidates for appointment.

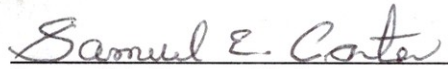
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes)

There was no action to be taken as a result of the Closed Meeting.

At 8:48 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (4 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, March 17, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Council Chambers of the Appomattox Town Office, Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile - Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
John Spencer – Assistant County Administrator
Brandon Stidham – County Planner

Mr. Carter opened the meeting at 6:30 p.m. and asked Mr. Kendrick to deliver the invocation.

Mr. Carter asked if anyone wished to speak during the **Citizen Public Comment Period**.

No one came forward so Mr. Carter moved to the first item under **Administrative Items**:

1. Joint Resolution of Support for Community Tourism Enhancement Efforts:

The Board has received a Joint Resolution in support of effort to enhance tourism within the County. The Appomattox Tourism Task Force has listed 23 points for strengthening the community's tourism base. This resolution has been prepared cooperatively by officials of the Town of Appomattox, The Town of Pamplin, and the County of Appomattox.

After some discussion, Mr. Carwile made a motion seconded by Mr. Moore to adopt the following resolution:

**JOINT RESOLUTION OF SUPPORT FOR
COMMUNITY TOURISM ENHANCEMENT EFFORTS**

WHEREAS, Appomattox County and the Towns of Appomattox and Pamplin enjoy a rich history and heritage; and

WHEREAS, Appomattox is internationally known as the site of the final chapter of the Civil War in Virginia; and

WHEREAS, Appomattox is fortunate to be home to both a Federal park, Appomattox Court House National Historical Park, and a Commonwealth of Virginia park, Holiday Lake State Park; and

WHEREAS, Appomattox offers visitors a variety of experiences including, but not limited to shopping, bird watching, canoeing, hiking, biking, swimming, horseback riding, battle reenactments, and festivals; and

WHEREAS, many Appomattox businesses offer tourist related services including bed and breakfasts, restaurants, motels, antique and specialty shops, convenience stores and travel agencies; and

WHEREAS, the success of tourist related businesses is vital to a well balanced local economy along with industrial recruitment and the retention of existing businesses; and

WHEREAS, local government resources have long been contributed to the tourism efforts of the Appomattox County Chamber of Commerce, Virginia's Retreat Tourism Consortium, the Lynchburg Regional Chamber of Commerce, and other local and regional tourism initiatives.

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors, the Appomattox Town Council, and the Pamplin Town Council, in recognition of the importance of tourism to the Appomattox economy, does hereby support the efforts of the community to enhance Appomattox as a featured tourist destination, and

LET IT BE FURTHER RESOLVED THAT the Appomattox County Board of Supervisors, the Appomattox Town Council, and the Pamplin Town Council do hereby endorse the creation of an independent non-profit foundation, with membership from local, national, and international businesses and individuals providing financial support and leadership to achieve the community's tourism objectives.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye. (5 aye votes)

2. **Cooperative Procurement Agreement:** The Board has received the proposed Cooperative Procurement agreement between Appomattox County and the Region 2000 Regional Commission for Consultant Services and the Process for Engagement of Consultant Services which outlines the way this agreement would work if executed. Staff believes this process will allow the County to receive competitive prices for small projects from qualified firms, allow for more expedited process, saving both time and effort.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore to execute the Cooperative Procurement Agreement as presented:

**REGION 2000 REGIONAL COMMISSION
COOPERATIVE PROCUREMENT AGREEMENT**

The Region 2000 Regional Commission and the County of Appomattox do hereby agree to enter into a cooperative procurement agreement for the purchase of consultant services from the pre-qualified firms listed in Attachment "A" under the terms and conditions identified in the multi-user contract, Attachment "B". In addition the above noted entity agrees to follow the procedures for the use of this multi-user contract as noted in Attachment "C".

The Region 2000 Regional Commission Agrees to the following:

1. Provide a copy of the multi-user contract and any subsequent changes during the life of the contract.
2. Facilitates all contract disputes and/or failure of the consultant to meet scope of service expectations.
3. Provide assistance in the development of a scope of services agreement with the consultant and negotiations of fees.
4. Provide billing and contract administration services, if needed, for a negotiated fee based on the scope of services required.
5. Provide a written post contract evaluation to the multi-contract user of the consultant services provided.

Appomattox County agree to the following:

1. Ensure that prompt payment is made for services rendered.
2. Ensure that a written scope of work is developed before the authorization of any services are performed.

3. Should the multi-contract user be serving as the project manager, provide updates as to the status of the work being performed.
4. Participate in a post contract review of the consultant and the services rendered.
5. Advise the Regional Commission prior to contact being made with any of the pre-qualified firms to discuss the desired services needed.
6. Ensure that any arrangements/agreements made outside of the original multi-user contract be communicated to the Regional Commission.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye. (5 aye votes)

3. **WORKFORCE INVESTMENT BOARD:** The Board on October 28, 2002 requested staff to investigate the possibility of joining the Region 2000 Workforce Investment Board. The County is currently served by the South Central Workforce Investment Board. However, it is the feeling of the Board that the County has stronger relationships in the Region 2000 area. Staff recommends that the Board adopt the Workforce Investment Board Resolution requesting admittance into the Region 2000 Workforce Investment Board beginning July 1, 2003 and notify the South Central Workforce Investment Board of its intention to make this change.

Mr. Carter stated that when we ventured into this several years ago, it seemed the best way to go. We have now determined that most of our activities are west bound instead of south or east and we have a lot of other activities that are going on in the Region 2000 locality. This is the basis for making this change.

Mr. Moore also stated that at the time we entered into the agreement with South Central, Region 2000 had not organized.

Mr. Carwile stated that we appreciate the services we have received from South Central over the years.

Mr. Kendrick made a motion, seconded by Mr. Hancock that the Board adopt the following resolution:

Workforce Investment Board Resolution

Whereas, Appomattox County is a member of the South Central Workforce Investment Board and the citizens of Appomattox have been well served by its participation in this organization; and

Whereas, Appomattox County is also a member of the Region 2000 Economic Development Partnership, the Region 2000 Regional Commission, and is closely tied economically to the localities within the geographic region commonly referred to as Region 2000, and

Whereas, the purpose of the Workforce Investment Board is to enhance the skills of citizens so they can acquire, retain, and enhance employment opportunities that in turn

allow those citizens to improve their overall quality of life for themselves, their families, and ultimately their communities, and

Whereas, the Appomattox County Board of Supervisors believes that the goals of the Workforce Investment Act would be better served by participation in a regional group that the County is clearly and naturally allied with;

Now, Therefore, Be It Resolved, that the Appomattox County Board of Supervisors do hereby request to become full members in the Region 2000 Workforce Investment Board and request that the Region 2000 Regional Commission grant this request and provide the assistance necessary to facilitate the change in a manner that allows for ease of transition in an timely fashion; and

Be It Further Resolved, that the County Administrator is hereby directed to notify the Executive Director of the South Central Workforce Investment Board of the County's intention to withdraw its membership from that organization at the end of the current fiscal year which shall end on June 30, 2003 and to express the County's gratitude for all of the efforts expended by that organization on behalf and to the benefit of Appomattox County citizens.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **COURTHOUSE BOND:** The bid closing for the courthouse project is scheduled for March 31 with the construction scheduled to begin on April 30. The County needs to begin the financing portion of this project to ensure closing of the bond and receipt of the bond proceeds by the end of the fiscal year. Staff recommends the Board authorize a short RFP for Bond Underwriting services and appoint a two member committee to review the responses and conduct interviews if necessary. It would be beneficial to have the underwriter selected shortly after the bids are opened on March 31.

Mr. Carroll explained that the Board would need to recess from tonight's meeting to the meeting on March 31 in order to actually select a contractor as stated in the Court Order. The RFQ has the proposals coming in on March 28th. There are basically only four (4) firms that he is aware of that do bond underwriting: BB&T; Farris, Becker, Watts; Davenport and Morgan-Keegan. The RFQ basically allows them to demonstrate their ability to do the bond underwriting, what their estimated fee would be which would typically be between one and two percent of the actual bond financing. This could amount to between \$50,000 and \$100,000 depending on the amount we actually finance. The Board may want to discuss the RFQ's they received at the March 31 meeting and narrow that down or actually make a selection without interviewing or appoint a committee to talk to two (2) of those underwriters. His concerns is that it will take approximately 75 days to execute a bond deal. If this is not done expeditiously it will negatively impact your financial audit for such things as DEQ Financial Assurance. On March 31, we should have a figure as to how much we need to finance.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore that the full Board of Supervisors review the RFQ's to select a Bond Underwriting firm. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

5. **Cost Allocation Plan Agreement:** The Board has received a proposal from Robinson, Farmer, Cox regarding the preparation of the County's Cost Allocation Plan. The proposal contains an annual cost proposal and a three year cost proposal. Staff recommends that the Board authorize the County Administrator to execute the agreement for a three year period based on the satisfactory performance of Robinson, Farmer, Cox in the past.

After some discussion, Mr. Carwile made a motion seconded by Mr. Kendrick to have the County Administrator execute an agreement with Robinson, Farmer, Cox to prepare the County's Cost Allocation Plan for a three year period, with a contingency clause based on performance. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

6. **Proclamation for Child Abuse Prevention Month:** The Board has received a Proclamation recognizing the month of April as Child Abuse Prevention Month in the County of Appomattox.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following proclamation:

By virtue of the authority vested in the Appomattox County Board of Supervisors, we hereby proclaim the month of April as **CHILD ABUSE PREVENTION MONTH** in Appomattox County.

Whereas, every child in our great Commonwealth is a precious gift, full of promise and potential; and

Whereas, child abuse and neglect is a serious problem in Virginia and across the nation; and

Whereas, the prevention of child abuse is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

Whereas, all children learn from role models at home, at their place of worship, at school and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

Whereas, children are our most precious resource and we are committed to keeping the children of this Commonwealth safe and happy;

Now Therefore, the Appomattox County Board of Supervisors do hereby recognize April 2003 as **CHILD ABUSE PREVENTION MONTH** in Appomattox County and call this observance to the attention of all our citizens.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

7. **Oakville School Site:** At the last meeting Mr. Moore raised a concern from a citizen complaint regarding cars and trucks parked at the Oakville school site. Since this property belongs to the School Board, this may be a topic of discussion at the next committee meeting regarding the old elementary school.

Mr. Carwile questioned what this building was being utilized for at this time. He also suggested that the Board should consider all the property throughout the County belonging to the School Board that is not being utilized but still being a tax burden to the County residents.

The Board by consensus agreed that this will be discussed at the next School Board Committee meeting.

Mr. Carter explained that the **Consent Agenda (items 8-18)** was next on the Agenda:

8. **Approval of Bills:** Please approve payment of bills as presented.
9. **Approval of Minutes:** Please approve minutes of Regular meeting held on March 3, 2003.

Board Actions:

10. **Building Permit Fee:** The Appomattox Volunteer Fire Department has requested that the Board waive the fees associated with improvements to their current station to accommodate the new fire truck.
11. **Courtland Field Improvements:** The Appomattox Garden Club wishes to purchase dogwood trees for placement in Courtland Field. Staff is requesting the Board approve this request with the condition that the location of the trees be coordinated with Ms. Ann Dixon, Recreation Director, so they will not interfere with the use of Courtland Field for Railroad Festival, soccer and other recreational and community uses.
12. **Courthouse Project:** Please approve the following bill for Courthouse project:
\$25,139.10 for 100% completion of Construction Documents.

Supplemental Appropriations:

13. **Sheriff's Department:** Please approve supplemental appropriations as follows:
3102-5408 Vehicle Power Equipment Supplies \$100.00
14. **Electoral Board:** Please approve the following supplemental appropriation for reimbursement received from the cellular phone company:
1301-5203 – Telephone \$27.51

15. **Library:** Please approve the following supplemental as requested:

7301-5401 – Office Supplies	\$207.95
7301-5411 - Books	508.64
7301-5201 - Postage	6.00
7301-5415 - Summer Reading	100.00

16. **Landfill:** Please approve the following supplemental as requested:

4204-3004 – Repair & Maintenance	\$762.44
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17. **School:** Please approve the following supplemental as requested for costs associated with the County's lease of the old elementary school for temporary courthouse:

6101-1001 - School Budget – Education	\$11,257.54
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Line Item Transfer:

18. **Courthouse Project:** Line item transfer to reflect postage paid of returned voter registration cards:

Delete 1101-5804 Operating Reserve	\$1,126.57
Add 1101-5201 Postage	1,126.57

Mr. Carter asked if anyone had any questions regarding the Consent Agenda. Regarding item 11- Trees for Courtland Field - The Garden Club had been given a donation for the planting of dogwood trees in the Town. The Garden Club suggested Courtland Field. Mr. Carwile suggested other trees such as cherry as well as dogwood be considered.

Mr. Carwile had questions regarding item 17. He is concerned with the cost of these items.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the **Consent Agenda** as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 7:02 p.m. Mr. Carter called for a short recess.

At 7:05 p.m. Mr. Carter re-opened the meeting and stated there would be a joint public hearing with the Planning Commission. Mr. Carter also read the following statement:

This Public Hearing provides property owners with the opportunity to present their zoning petitions and concerned citizens with the chance to speak in support of or against the petitions before the Appomattox County Planning Commission and the Board of Supervisors. Please note that the Public Hearing is not the appropriate forum to engage in discussion of these petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the Public Hearing. We will begin each petition with comments by the petitioner followed by comments from individuals

who wish to speak for the petition and finally comments from individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham, who read the first petition.

03-516 – John O. Harrison and C. Douglas Branch: Re-zone property from M-1 Industrial to B-1 Business. Property is located on US 460 between Rt. 613 and Town Limits, Tax Map #63(A)48.

Mr. Stidham called for comments for or against this petition. Hearing none, he proceeded to the next petition.

03-517 – Harry C. Pearson, David T. Perkins, & H. Curtis Pearson: Re-zone property from R-1 Residential to B-1 Business with conditional use permit for a car wash. Property is located on US460 between Rt. 1045 and Town Limits, Tax Map #63(A)52.

Mr. Fred Kruschwitz, Rt. 3, Box 178, Appomattox, came forward and gave a presentation with a site plan for the car wash. A single bay will be put in initially, but they may expand if demand is great enough. Entry will be from an excess road. Wants to be able to subdivide the property.

Mr. Stidham asked if anyone else wished to speak for this petition. No one came forward.

Mr. Stidham asked if anyone wished to speak against this petition.

Hearing no further comments, Mr. Carter closed the public hearing at 7:10 p.m.

At 7:15 p.m. Mr. Carter stated there was be a joint public hearing of the Appomattox County Board of Supervisors, the Appomattox Town Council and the Pamplin Town Council on the Comprehensive Plan.

Mr. Carter then read the following statement: This joint public hearing held by the Appomattox County Board of Supervisors, the Appomattox Town Council, the Pamplin Town Council and the Appomattox Planning Commission is the publics opportunity to comment of this draft. Before any comments were received, the Vice-Mayor of the Town of Appomattox, Marvin Mitchell opened the Appomattox Town Council meeting. Mayor Robert Mitchell of Town of Pamplin opened the Pamplin Town Council meeting.

Mr. Carter asked if anyone present wished to speak for or against or have any questions to be addressed on the Appomattox Community Development Plan.

Having no one to speak, Mr. Carter closed the Public Hearing at 7:16 p.m. with the Appomattox and Pamplin Town Councils adjourning.

At 7:20 p.m. Mr. Carter re-opened the Appomattox County Board of Supervisors meeting and called for **Supervisor Concerns**.

There were no Supervisor Concerns to be discussed.

Mr. Carter then asked Mr. Carroll to bring everyone up to date on the Courthouse project. Mr. Carroll stated the temporary courthouse is essentially operational. It required the construction of several partition walls to direct public traffic flow within the cafeteria area, the library area and the halls. The chairs along with some desks borrowed from the school are in place. Three separate conference rooms were constructed to be used by attorneys, etc. Two holding cells were constructed in the back of the cafeteria area for inmates. A judges bench, witness stand have also been constructed. Barry Watkins, our maintenance supervisor has really done a lot of work in the last month getting this area ready for court. Signs have been placed to direct people to the rear of the building where the courtroom entrance is located. Tomorrow is the first day of court in the temporary setting and hopefully everything will be OK. If not, we will try to correct these.

The Registrar's office was re-located as well as the Victim-Witness Advocate.

Bids were received on the demolition with J. E. Sears being the low bidder. (\$29,662.00). Most of this work will start next week. Asbestos tile and mastic was removed last Friday and Saturday. This was done by First Action Systems. Demolition is scheduled to be finished on or before April 25th with construction to begin on or before April 30. The time lines are very tight. Bids for construction are due on March 31 at which time the Board will interview contractors and make your selection.

Mr. Moore also complimented Mr. Watkins on getting everything done that needed to be done in a limited amount time.

The Board as a whole congratulated everyone involved in this project on a job well done.

At 7:40 p.m. Mr. Carter called for a short recess.

At 7:45 p.m. Mr. Carter re-opened the meeting and stated the need to enter into a closed session.

Mr. Carwile made a motion seconded by Mr. Hancock to enter into closed meeting in accordance with §2.2-3711 (A) 7 of the Code of Virginia for the purpose of consultation with legal counsel and briefings by staff members regarding litigation, specifically, Tommy O'Brien et al vs. Board of Supervisors. (Biosolids)

Mr. John Gibney and Mr. Bob Dybing of Shuford, Rupert & Gibney, Attorneys at Law were present for this closed meeting.

At 8:22 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under § 2.2-3711 (A) 7 of the Code of Virginia, for the purpose of consultation with legal counsel and briefing by staff members regarding litigation, specifically, Tommy O'Brien, et al v. Board of Supervisors (Biosolids).

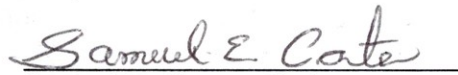
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated there was no action to be taken as a result of the closed session.

At 8:24 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to recess until 6:30 p.m. on Monday, March 31, 2002 in the Council Chambers of the Appomattox Town Office Building. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, March 31, 2003 the Appomattox County Board of Supervisors held a recessed meeting at the Council Chambers, Appomattox Town Office, Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
Ms. Barbara Williams – Clerk of the Court & Courthouse Committee
Gary Harvey – Craddock-Cunningham Architectural Partnership
Hal Craddock – Craddock-Cunningham Architectural Partnership

At 6:30 p.m. Mr. Carter opened the meeting which was recessed from March 17, 2003 and gave the invocation.

Mr. Carter then called attention to the **ADMINISTRATION ITEMS** of the Agenda:

1. **Courthouse Contractor Selection:** Bids for the courthouse project were opened at 2:00 p.m. today. Bid documents contained seven (7) alternates for construction. Gary Harvey of Craddock-Cummingham Architectural Partnership has provided a memo describing each alternate and its anticipated cost. Ms. Williams and Mr. Moore of the Courthouse Committee will provide recommendations concerning the contractor and the alternates to select based upon the bid opening. In accordance with Judge Poston's order, the Board must select a contractor at this meeting. A hearing has been scheduled by Judge Poston for April 1 regarding this deadline. Staff recommends that the Board make the selection of the contractor and also determine the alternatives desired for inclusion in the project at tonight's meeting.

Mr. Kendrick stated the Board has not agreed to any of the alternates and since they have not seen any of the bids he feels they should go with a base bid at this time because they can make a decision later on these alternates.

Mr. Kendrick then made a motion seconded by Mr. Carwile to select a contractor based on the base bid without the alternates since the Board has not made any decisions on these alternates. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

There was some discussion regarding the contractor selected according to the lowest bid. The Board was informed that J. E. Jamerson is the low bidder on the project at \$3,751,000.00 for the base bid..

Mr. Kendrick made a motion seconded by Mr. Carwile that the Courthouse project contract be awarded to J. E. Jamerson. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

2. **Bond Underwriter RFQ:** Responses from the potential bond underwriters for the Courthouse project were received on Friday, March 28th. The Board may wish to interview the potential underwriter. Staff will provide a recommendation at tonight's meeting.

Mr. Carroll stated that based on the RFQs received he did not see any reason why we would not continue to work with Davenport & Company. The figure they quoted was definitely in line with the one received from Ferris, Baker, Watts. The County has worked with Ferris, Baker, Watts in the past and had no problems with them. However, he feels we should continue with Davenport at this time.

Mr. Moore stated that he had reviewed the three bids received and that he came to the same conclusion as Mr. Carroll.

Mr. Carwile agreed with the recommendation of Davenport, but had some questions regarding the different scenarios presented.

Mr. Carroll stated that the scenarios presented were based on a figure of seven (7) million dollars. There is still additional funding such as monies we have already expended that we need to go back and capture, in addition to funding for furniture and fixtures, over and above the base bid. We need to work with Davenport on the scenarios and then bring them back to the Board.

Mr. Carwile made a motion seconded by Mr. Hancock to adopt Davenport & Company as the bond underwriter for the Courthouse project. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **Hunter House Demolition:** J. E. Sears has submitted an additional quotation for the demolition of the Hunter House. Staff recommends that the Board accept the additional fees for the demolition in order to meet the court ordered deadline for the project.

Mr. Carwile stated this was part of the Courthouse project and saw no need to delay any further.

Mr. Carwile made a motion seconded by Mr. Moore to accept the quotation from J. E. Sears to demolish the Hunter House. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

4. **Resolution of Support for our troops:** Since the Board's last meeting, the war with Iraq has begun. Staff has prepared a resolution adapted from the U. S. House of Representative's Resolution as a way of expressing the community's support for the sacrifices made by these men and women in service of our country.

Mr. Moore made a motion seconded by Mr. Kendrick to adopt the following Resolution as written:

Whereas, the United States Armed Forces, a total force comprised of active, National Guard, and Reserve personnel, are now undertaking courageous and determined operations against the forces of Saddam Hussein's regime;

Whereas, the Appomattox County Board of Supervisors has the greatest pride in the members of the Armed Forces and strongly support them;

Whereas, the United States has assembled and deployed an allied military coalition to apply pressure on Saddam Hussein to comply with the relevant United Nations resolutions;

Whereas, President George W. Bush ordered United States Armed Forces to commence military operations against the forces of Saddam Hussein during the evening of March 19, 2003, under the code name of Operation Iraqi Freedom, in order to liberate Iraq, remove Saddam Hussein from power, and neutralize Iraq's weapons of mass destruction;

Whereas, the United States Armed Forces and allied forces are performing their missions with great courage and distinction in carrying out air, land, and sea attacks against Iraqi military targets; and

Whereas, the ability of the Armed Forces to successfully perform their mission requires the support of their nation, community, and families

Now therefore, be it resolved that the Appomattox County Board of Supervisors expresses its unequivocal support and appreciation:

- (1) To the President as Commander-in-Chief for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the on-going Global War on Terrorism;
- (2) To the members of the United States Armed Forces serving in Operation Iraqi Freedom, who are carrying out their missions with excellence, patriotism, and bravery; and
- (3) To the families of the United States military personnel serving in Operation Iraqi Freedom, who are providing support and prayers for their loved ones currently engaged in military operations in Iraq.

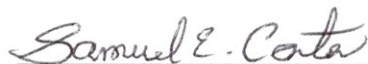
VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Supervisor's Concerns:

Mr. Carter has been approached by the Garden Club requesting to plant one (1) Dogwood tree between the Clerk's Office and the Museum. This would have to be coordinated with the County Administrator. Also it should be placed so as not to interfere with projects in the future.

The Board by consensus approved the planting of this Dogwood tree by the Garden Club.

At 6:49 p.m. on a motion by Mr. Kendrick seconded by Mr. Moore the meeting was adjourned. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)



Samuel E. Carter, Chairman

On Saturday, April 5, 2003 at 9:00 A.M. the Appomattox County Board of Supervisors held a Special Called Meeting in the Appomattox Town Chambers located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
 Ms. Barbara Williams – Clerk of the Circuit Court &
 Courthouse Committee
 Dan Siegel – Sands, Anderson, Marks & Miller (via telephone)

At 9:14 a.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated the purpose of this meeting is 1) the selection of alternates for inclusion in the courthouse construction project contract and 2) for a closed session discussion on a perspective business location.

At 9:17 a.m. Mr. Moore made a motion seconded by Mr. Kendrick to enter into closed session as allowed under §2.2 – 3711.A.5 of the Code of Virginia for discussion of a perspective business location and §2.2 – 3711. A.7 of the Code of Virginia for discussion of a legal matter – Courthouse Project. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 10:55 a.m. Mr. Kendrick made a motion seconded by Mr. Moore to return to regular session: VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711.A.7 of the Code of Virginia, for the purpose of selecting alternates to the courthouse project; and §2.2-3711.A.5 for the purpose of discussing a prospective business location.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

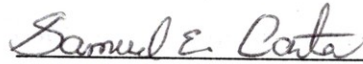
ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next asked if there was any action to be taken as a result of the closed session.

Mr. Kendrick made a motion seconded by Mr. Moore to reverse the award of the bid on March 31st, due to the fact that we are going to award alternates and make a selection based upon the lowest bid plus alternatives selected. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Kendrick then made a motion seconded by Mr. Moore to award the contract for the New Appomattox Courthouse based on the lowest bid received for the base bid plus Alternates #1, 2, 3 & 6. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye.
(5 aye votes)

Being no further business to discuss, at 11:00 a.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)



Samuel E. Carter, Chairman

At 6:30 P.M. on Monday, April 7, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District

ABSENT: Jesse L. Hancock – Falling River District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator

At 6:34 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter asked if anyone wished to speak during the **Citizen Public Comment Period**.

Having no one to speak, Mr. Carter called Mr. Wayne Phelps, President of the Appomattox Historical Society to address the Board.

Mr. Phelps stated he is appearing before the Board to discuss the condition of the Museum. (The Old Jail Building). There have been some comments about the Museum being closed and they wish to get things repaired and re-open the Museum to the public. The officers of the Historical Society are: Mr. Wayne Phelps, President; Mr. Watkins Abbitt, Vice-President; with Ms. Ann Dixon & Ms. Betty Drinkard, Secretaries. The attorneys for the Society are Mr. Robert Carter and Mr. Evans Thomas. The Board of Directors consists of: Mr. Bill Spriggs; Ms. Ann Giles; Ms. Judy Conner; Ms. Anne Dixon; and Mr. Clyde Nash.

The Historical Society was formed in December of 1975. The museum opened in 1981. Mr. Phelps stated they wanted to make some changes in the museum this year, creating a Confederate Room – containing artifacts and uniforms of that era. Also they want to establish a Native American Room. He has a large selection of Indian artifacts he would like to be placed in the museum.

Mr. Phelps presented the Board with facts and figures regarding some of the surrounding cities and counties: Lynchburg City is renovating it's facility at a cost of \$1.7 million and has a paid staff. Amherst County has a paid curator with a salary of \$35,000 with benefits; South Boston receives \$2,500 from both the City and the County; Bedford County receives \$25,000 from each the City and the County; Buckingham County operates with donations and the Town of Scottsville and Campbell County operates basically the same way, with donations.

Mr. Phelps is asking the Board of Supervisors to award \$12,000 a year to the Historical Society and pay for the remodeling of the Old Jail Building. The Clover Hill Village as well as the Museum annually would use this \$12,000.

Mr. Carwile asked if he was asking for \$12,000 and remodeling costs?

Mr. Phelps stated they would like both, but if given the \$12,000 they would try to do the work. They would also make annual reports as to where they spent County money.

Mr. Carwile stated that it was embarrassing that Appomattox is not rallying to the cause. He also stated that he felt the Board should take some action on this subject but felt they should wait until all five members are present.

Mr. Carter stated that since the Board was now in the budget process that it would be appropriate to consider the request as a part of the budget.

After further questions and answers, Mr. Carter thanked Mr. Phelps for his comments.

Mr. Carter next called for action on the **Administrative Items:**

1. **Resolution Approving the Comprehensive Plan:** A public hearing was held with the Planning Commission, the Appomattox Town Council and the Pamplin Town Council on March 17, 2003. No comments were received for or against

this Plan. Staff is recommending the Board adopt the Resolution Approving the Comprehensive Plan as presented.

Mr. Carwile made a motion seconded by Mr. Moore to adopt the following Resolution:

RESOLUTION TO ADOPT APPOMATTOX COMMUNITY DEVELOPMENT PLAN

WHEREAS, according to §15.2-2223 of the *Code of Virginia*, “the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction”; and

WHEREAS, according to §15.2-2230 of the *Code of Virginia*, “at least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan”; and

WHEREAS, Appomattox County currently utilizes the Appomattox Comprehensive Plan adopted August 5, 1996, and which underwent review and redevelopment by the Appomattox County Joint Planning Commission beginning in 2001; and

WHEREAS, the Planning Commission has developed a revised comprehensive plan, entitled *Appomattox Community Development Plan*, to guide the County’s future growth and development;

AND WHEREAS, in accordance with §15.2-2204 of the *Code of Virginia*, a joint public hearing was conducted by the Appomattox County Board of Supervisors, Appomattox Town Council, Pamplin Town Council, and the Planning Commission on March 17, 2003, to formally receive comments on the final draft of the Appomattox Community Development Plan as recommended to the governing bodies by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors, in recognition of the importance of properly planning for future growth and ongoing development of the community, does hereby adopt the *Appomattox Community Development Plan* as the official comprehensive plan of Appomattox County.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

2. **Planning Commission Recommendations:** The Planning Commission has submitted its recommendations regarding Petition #03-516 – John O. Harrison & C. Douglas Branch – Re-zone property from M-1 Industrial to B-1 Business. Property is located on US460 between Rt. 613 and Town Limits, Tax Map #63(A)48 and Petition #03-517 – Harry C. Person, David T. Perkins & H. Curtis Pearson – Re-zone property from R-1 Residential to B-1 Business with conditional use permit for a car wash. Property is located on US 460 between Rt. 1045 and Town Limits, Tax Map #63(A)52.

Mr. Moore made a motion seconded by Mr. Carwile to approve for reasons of public necessity, convenience, general welfare, and good zoning practices **Petition #03-516 of**

John O. Harrison and C. Douglas Branch to re-zone a parcel of land located on U.S. 460 between Rt. 613 and Town limits from M-1 to B-1. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

Mr. Carwile made a motion seconded by Mr. Moore to approve for reasons of public necessity, convenience, general welfare, and good zoning practices **Petition #03-517 of Harry C. Pearson, David T. Perkins and H. Curtis Pearson** to re-zone a parcel of land located on U.S. 460 between Rt. 613 and Town limits, from R-1 to B-1. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

Mr. Moore also made a motion seconded by Mr. Carwile to approve Conditional Use Permit of Harry C. Pearson, David T. Perkins and H. Curtis Pearson to operate a car wash subject to the conditions recommended by the Appomattox County Joint Planning Commission. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

3. **SAILOR'S CREEK BATTLEFIELD REQUEST:** U. S. Representative Virgil H. Goode, Jr. has received a letter requesting that a study be commissioned to determine the feasibility and impact of adding the Sailor's Creek Battlefield to the National Park System. It appears that the initial interest is to place the battlefield under the management of the Appomattox National Historical Park. Staff believes that the designation of the Sailor's Creek Battlefield as a National Park would have a positive impact on tourism in Appomattox and therefore recommends the Board approve the commissioning of this study and also recommends that other potential areas of possible historical significance be included in this study.

After some discussion Mr. Carwile made a motion seconded by Mr. Moore to request that the National Park Service begin a Special Resource Study that would consider expanding Appomattox National Historical Park to include Sailor's Creek Battlefield. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

Mr. Carter next presented the **Consent Agenda: (items 4 – 9)**

4. **Approval of Bills:** Please approved bills for payment as presented.
5. **Approval of Minutes:** Minutes of Regular meeting on March 17, 2003.

Board Action:

6. **Festival Permit:** The Stonewall Antique Power Association is requesting approval of their festival permit for their annual event scheduled for May 17 and 18, 2003 from 9:00 a.m. to 5:00 p.m. They are also requesting that the bond be waived as in previous years.

Supplemental Appropriations:

7. **Sheriff's Department:** Supplemental appropriations as follows:
 3102-1003 Regular Overtime \$50.56

8. **Library:** Supplemental appropriations as follows:

7301-5401	Office Supplies	\$325.00
7301-5411	Books	\$411.50
7301-5201	Postage	\$ 3.00
7301-5415	Summer Reading	\$300.00

9. **Appomattox County School Board:** Approve appropriations as requested:

Fund 10	6101-1001	\$29.94	Utility expenses for Temporary Courthouse
Fund 10	6101-1001	\$1588.81	Dental Payments by Retiree/COBRA
For January – March 2003			

Mr. Moore made a motion seconded by Mr. Carwile to approve the Consent Agenda as presented with corrections to page 13 of Minutes as noted. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

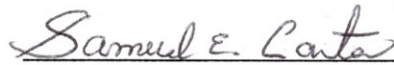
Mr. Carter then presented the **Informational Items:**

10. **Appomattox Town Council Agenda:** Town Council Meeting of March 25, 2003.
11. **Landfill Inspection Report:** Report of inspection at landfill on Mary 6, 2003.
12. **Monthly Financial Report:** County School Board's monthly report for May, 2003.
13. **Supervisor's Concerns:** No one had any concerns to present at this time.
14. **Closed Session - §2.2-3711 A.1 of the Code of Virginia – Personnel:**
The Board by consensus tabled this discussion until the April 21st meeting.

Mr. Carter reminded the Board of upcoming meetings:

Monday, April 21, 2003 at 6:30 p.m. – Council Chambers – Town Office Building
Monday, May 5, 2003 at 6:30 p.m. – Council Chambers – Town Office Building.

Being no further business to discuss, at 7:11 p.m. Mr. Moore made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)



Samuel E. Carter, Chairman

At 6:30 P.M. on Monday, April 21, 2003, the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
 Andy Carroll – County Administrator
 Brandon Stidham – County Planner

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Hancock to give the invocation.

Mr. Carter stated they would now receive **Citizens Public Comments**. No one present wished to speak at this time.

Mr. Carter then stated the next item for presentation would be the appearance before the Board of Mr. David Rose, of Davenport & Company LLC. Mr. Davenport is meeting with the Board to discuss several possible bond financing scenarios for the Courthouse Project and also propose a tentative schedule that will facilitate the completion of any deal before June 15th as the Board has requested.

Mr. Rose introduced Mr. Jamie Shield and Mr. Warren Redfield, associates of Davenport & Company. They provided handouts on their presentation and stated they were not asking for any decisions to be made this evening. There are three (3) major issues: 1) Under Virginia law they are required to go through the Industrial Development Authority. The IDA will have no liability and has no roll other than to formally approve this. Everything falls back on the Board of Supervisors. 2) This will also require no general obligation pledge at all. This will be a moral obligation which states that every year the Board will appropriate an annual debt service. 3) The approach to this is called a bank qualified series of rates. This will allow us to receive the lowest possible interest rate. You may also want to capitalize the interest for one year. This will allow you to hold off on making payments until you have the facility to use.

Mr. Rose also addressed the Debt Service Reserve Fund where by one year's worth of debt service is borrowed to be held in a trustee account in the bank and will earn an interest rate, equal to the borrowing rate.

After the presentation there was a brief question and answer session, after which Mr. Carter thanked and excused Mr. Rose.

At 6:57 P.M. Mr. Carter called for a brief recess.

At 7:05 P.M. Mr. Carter reopened the meeting and called for the Joint Public Hearing with the Planning Commission and Appomattox Town Council.

PRESENT: (Planning Commission)

Kevin O'Brien
Steve Conner
Robert Johnson
Susan Hudson
Calvin Tanner
Jerry Hughes
Jim Seftor
John Wilson
Marvin Mitchell

ABSENT: (Planning Commission)

Al Sears

PRESENT: (Appomattox Town Council)

Ronald Spiggle
Joyce Bennett
Steve Lawson
Lewis McDearmon
Marvin Mitchell

ABSENT: (Appomattox Town Council)

Jimmy Mayberry
W. H. Carson

Mr. Carter then read the following statement:

This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham.

Mr. Stidham stated there was only one petition to be presented tonight.

Petition 03-518 – Vivian R. Seay – Petition to amend Conditional Use Permit for an on-site advertising sign in the R-2 District. Property is located in the Town of Appomattox on Court Street, between Bandana Street and Moses Street, Tax Map # 64(A)5-4 EKB1.

Ms. Vivian Seay spoke for the petition. There was a need for a multifaced sign because of the titling company. She also wants to add three (3) blanks, due to the fact that there is a CPA office located in the building.

Having no one else to speak for or against this petition, Mr. Stidham closed the Public Hearing.

At 7:08 p.m. Mr. Stidham stated the Planning Commission would hold their meeting at the Jamerson Memorial Library following the Public Hearing.

Mr. Carter presented the next item on the agenda.

Kevin O'Brien, Chair and Steve Conner, Vice-Chair of the Planning Commission have requested to meet with the Board concerning the proposed zoning amendments for mobile home use as accessory buildings and as a dwelling for elderly/infirm family members in the R-1 Residential District.

The Board had expressed some concern regarding both of these amendments when they were first presented. The Planning Commission has again addressed these issues.

Mr. Carter has some questions regarding the Elderly and Infirm family members. He understands that over the years this has worked satisfactorily.

Mr. O'Brien stated these are set up as a conditional use and once the condition changes, the conditional use has not changed. In some cases, these units have been rented out or otherwise used. The Planning Commission has no way of policing these when the condition changes. One suggestion had been to have these conditional uses renewed every two years.

Mr. Conner stated that once these units are in place, owners do not want to remove them.

Mr. Moore states that when people make application for this, it is necessary because the elderly or infirm need to be close by those that are responsible for their care. There should be some rules and regulations to address this. When the situation changes, owners should be made to realize that regardless of the financial condition, the units have to be removed. Provisions should be made regarding this when the permit is issued.

Kevin O'Brien stated the only way to do this would be that every two years, come back and show proof to the Zoning Administrator that the situation has not changed and not have to go through the public hearing process again.

Mr. Conner suggested that a three (3) year bond be posted to cover the cost of moving the units once the Conditional Use is no longer valid.

Mr. Carter feels we need to develop a plan that would provide a way for individuals to be taken care of at home rather than being placed in an assisted living facility/nursing home which can be quite an expensive alternative.

Mr. Carwile supports Mr. Carter's remarks. He is surprised that this was returned by the Planning Commission without a recommendation for change. This is something that means a lot to quite a number of our citizens as it alleviates some the burden on caring for their parents, infirmed children, etc. He feels that together the Planning Commission and the Board should be able to come up with a solution to handle this without saying "NO", you cannot do this. He feels there should be a time frame after the use change, for the removal of these units.

Mr. O'Brien addressed the problem with Accessory Buildings in R-1. Many people are leaving trailers on site and letting them become eyesores. The Planning Commission is trying to implement zoning to clean up the County. They are not trying to restrict mobile home from being used as living quarters, but they are trying to eliminate those that are being neglected and allowed to rust and rot away and not being taken care of.

Mr. Kendrick agrees with what Mr. O'Brien is saying. There are a number of mobile home on his road that are just parked. This is apparent all over the county. Also there are places where lawns are not being taken care of as well. There should be an ordinance in place that upon notification, the owner has a certain amount of time to clean up and if not, the County will have it cleaned up and the owner will be presented with the bill. These individuals are not being considerate of their neighbors or the County as a whole, by degrading properties.

Mr. O'Brien said the Planning Commission is trying to draft an ordinance that helps get rid of these areas, but not implementing the entire State ordinance.

Mr. Kendrick feels there is a definite difference between someone living at home and someone making a junkyard out of their premises. These should be easily recognized and easily covered in some form or another.

After more discussion, the Planning Commission will review the ordinance and discuss eliminating the mobile home to be used as accessory building in all districts.

Mr. Carter thanked Mr. O'Brien and Mr. Conner for their efforts.

Mr. Carter next called Mr. Steve Lawson to address the Board.

Mr. Lawson is requesting that the Board allow him to retain ownership of items that remained in the Hunter House property since its purchase by the County in September 1999.

According to the Sale Agreement, Mr. Lawson was allowed to remove these items before December 31, 1999 after which time they would become the property of the County. Due to the courthouse project and the demolition of the Hunter House, any items considered of value were relocated to the old elementary school to be included in the upcoming auction.

Mr. Lawson contends he had a verbal agreement with Ms. Ferguson, County Administrator at the time of the sale, that he did not have to meet this deadline as long as he understood that anything that was stolen, destroyed by fire or otherwise, was his lose, and not the County's responsibility, until such time as the County needed this space. He was not notified that the house was going to be torn down and therefore did not have adequate time to remove his belongings.

Mr. Carwile appreciates Mr. Lawson's position on this. He is well aware of the contract signed in 1999 but he was not aware of any verbal agreement with Ms. Ferguson. He feels that Mr. Lawson should be allowed to retain possession of any items that are rightfully his. The Lawson name is an upstanding name in the County, and they have contributed a lot to the welfare of the County.

Mr. Hancock inquired if Mr. Lawson had been notified to remove his belongings prior to the demolition of the property.

Mr. Carroll referred to items 8 & 9 of the original contract which reads:

8. "Purchaser and Sellers agree that Sellers shall have until December 31, 1999 to remove all personal property from said premises, however the Purchaser shall not be responsible for any damage, destruction, theft or any other loss of Sellers' personal property from the closing date of this Contract until December 31, 1999. All personal property remaining on said premises after December 31, 1999 shall become property of the Purchaser."
9. "This contract represents the entire agreement between Sellers and Purchaser and may not be modified or changed except by written instrument signed by the parties".

Mr. Kendrick stated that if there was any expense of moving this property, Mr. Lawson should be accessed this expense and be allowed to have his property returned. Mr. Kendrick also stated that had he cut a deal like Mr. Lawson did, he would have removed this property before the deadline.

Mr. Carwile made a motion seconded by Mr. Hancock to have Mr. Lawson coordinate with the County Administrator, the movement of Mr. Lawson's property before May 15th, 2003. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Administrative Items:**

1. **Recreational Park Grant:**

Staff, the Recreational Park Committee and the Regional Commission have worked together to draft an application to the Department of Conservation and Recreation for funding of projects at the park: grading/seeding of soccer fields, grading/seeding of T-ball fields; grading/paving of the parking areas; water/sewer development, electricity to serve the park and fencing at the baseball fields. To date the Community Park Fund has \$152,000 with an anticipated \$70,000 committed to grading/seeding the initial phase (baseball fields). They have also secured an additional \$60,000 in verbal commitments. The grant will provide a 100% match for local dollars committed. The County must dedicate the metes and bounds of the park property (100 acres) for recreational purposes and must commit to the maintenance of the park.

Staff recommends the adoption of the resolution for the grant in the amount of \$150,000 and authorize staff to take the necessary actions to complete the grant application for submittal.

Mr. Carwile stated he is in agreement and is pleased that things are moving as well as they are.

Mr. Kendrick questioned the \$150,000 request. Why not increase to \$200,000?

The discussion continued with the statement being made that if the grant request is not matched, the County is obligated to make up the difference between what is donated and the amount of the Grant.

Mr. Kendrick made a motion seconded by Mr. Carter to adopt the following resolution with the dollar amount being amended to read \$200,000:

WHEREAS, The Department of Conservation and Recreation (DCR), provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, there are urgent needs within Appomattox County to develop park land; and

WHEREAS, this area is deemed of high acquisition and development priority by said Appomattox County and shall be referred to as Appomattox County Community Park Project.

WHEREAS, in order to attain funding assistance from DCR, it is necessary that Appomattox County guarantee that a proportionate share of the cost thereof is available; and

WHEREAS, the proportionate project share \$200,000.00 is funded by Appomattox County;

NOW, THEREFORE, IT BE RESOLVED BY THE Appomattox County Board of Supervisors is hereby authorized to cause such information or materials as may be necessary to be provided to the Department of Conservation and Recreation (DCR) and to enter into such agreements as may be necessary to permit the formulation, approval and funding of the Appomattox Community Park Project.

AND BE IT FURTHER RESOLVED, Appomattox County gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$200,000.00.

AND BE IT FURTHER RESOLVED, that Appomattox County gives it assurance that the General Provisions of the Land and Water Conservation Fund Act (L&WCF) and the Virginia Outdoors Fund Fiscal Procedures will be compiled with the administration of this project.

AND BE IT FURTHER RESOLVED, that Appomattox County will operate and maintain the public recreation facility in good condition and will provide permanent project acknowledgement signs of the participating funding agencies and that this signage will clearly state that the said facility is a "public" recreational facility.

AND BE IT FURTHER RESOLVED, that Appomattox County shall dedicate the metes and bounds of the Appomattox Community Park properties, in perpetuity, for public outdoors recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act.

AND BE IT FURTHER RESOLVED, that Appomattox County gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be compiled within the administration, development, and subsequent operation of this Appomattox County Community Park.

AND BE IT FURTHER RESOLVED, that the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Appomattox County Community Park Project in order to enhance the standard of public recreational enjoyment for all our citizenry.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (5 aye votes)

Mr. Carwile wanted to know if he understood correctly that if you donated to this cause you could use this donation as a tax write off.

Ms. Anne Dixon, Recreation Director, clarified this with a yes answer.

2. **Business Appreciation Week:** We have received a Proclamation for Business Appreciation Week 2003 scheduled for May 11-17. The purpose of this week is to recognize the significant contributions that businesses are making in our community. We also will have The Honorable Michael J. Schewel, Secretary of Commerce and Trade as our keynote speaker at this year's breakfast. Staff recommends the Board adopt the Business Appreciation Week 2003 Proclamation.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the follow Proclamation recognizing May 11-17, 2003 as Business Appreciation Week in Appomattox County:

**PROCLAMATON
BUSINESS APPRECIATION WEEK 2003**

Whereas, Governor Mark Warner has declared May 11 – May 17, 2003 to be Business Appreciation Week in the Commonwealth of Virginia; and

Whereas, the theme of the Commonwealth's celebration this year is "Success Starts Here"; and

Whereas, Appomattox County is home to a thriving base of business and industrial establishments that provide essential employment opportunities for the citizens of Appomattox County; and

Whereas, these businesses and industrial establishments provide local revenues from which the entire local citizenry benefit; and

Whereas, these business and industrial establishments also make significant contributions to the Appomattox Community by promoting a variety of activities that ultimately increase the area's quality of life; and

Whereas, these business and industrial establishments are appreciated and are deserving of special recognition;

Now Therefore, the Appomattox County Board of Supervisors does hereby recognize the importance of the County's existing business and industrial employers by proclaiming the week of May 11 – 17, 2003 to be Business Appreciation Week in Appomattox County.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

4. **FY 2004 Proposed Budget:** Staff has prepared the Proposed FY 2004 budget as directed by the Board. Staff will give a brief presentation regarding the proposed budget. It will be necessary for the Board to set a Real Estate tax rate at this meeting to ensure that tax tickets can be prepared.

Staff is recommending that the Board receive the report of the proposed budget and accept the Budget Workplan. Also set the Real Estate Tax rate for 2003 and set the tax collection deadline date for June 25, 2003.

Mr. Carroll presented each member with a notebook containing all information pertinent to the FY 2004 budget, including line items for the revenue, line items for the expenditures as well as a copy of the departmental requests as submitted to the County Administrator's office.

The main goal of the budget process this year was to maintain the current real estate tax rate at .66 cent per \$100 assessed value; maintain the funding of essential services; mitigate the impact of State budget reductions; maintain sound financial practices by building the CIP Fund and maintaining the General Fund Reserve. The proposed budget as received tonight, is balanced, with no increases in real estate rate, no increase in personal property rate and with no increase in the fee structure.

The total local revenue is \$9,104,407. These are essentially flat. There may have been an increase of \$8,000 or \$9,000 total from last year. Real estate rates or real estate tax may have increased minimally. Personal property from the Commissioner of Revenue decreased. State Corporation Commission real estate and personal property also decreased. These are probably the biggest things impacting the budget.

After some discussion Mr. Kendrick made a motion seconded by Mr. Moore to set the tax rate at \$.66 per \$100 assessed value and extend the tax collection deadline date to June 25, 2003 for Real Estate. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Consent Agenda:** (Items 4 – 13)

4. **Approval of Bills:** Please approve bills as presented.
5. **Approval of Minutes:** Please approve minutes of Recessed Meeting on March 31, 2003; Special Called Meeting on April 5, 2003; and Regular Meeting on April 7, 2003.

Board Actions:

6. **Festival Permit:** Stonewall Vineyards has submitted a festival permit for their annual event scheduled on May 10, 2003. They have submitted the proper permit fee and ask that the bond requirement be waived as in previous years.

Fund Transfer:

7. **Comprehensive Services Act:** Please approve the transfer of \$3,750.00 from the CSA Administrative Fund to General Fund to pay the quarterly contract for CSA Administration.
8. **Revenue Maximization:** Please approve the transfer of \$4,453.13 from General Fund to the Revenue Maximization Fund to reflect funds received.

Supplemental Appropriations:

9. **Sheriff's Department:** Please approve by consent the following supplemental appropriations as requested:

3102-5408 Vehicle Power Equipment Supplies	\$ 28.50
3107-1002 Overtime	\$1,385.00
3107-2001 FICA	\$115.00
3100-1002 Overtime	\$1,236.00
3100-2001 FICA	\$103.00

10. **Landfill:** Please approve the following supplemental appropriation as requested:
4204-3004 Repair & Maintenance \$3,542.76

11. **Animal Control:** Please Approve supplemental appropriations as requested to reflect receipt of funds from the Animal License plates within the County. These funds must be used for spay/neuter programs and are transferred to AWAG for that purpose.

3501-7009 Animal License Plates	\$258.67
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12. **Emergency Services:** Please approve supplemental appropriation as requested to reflect funds received from an emergency services grant:

3605-7001 Equipment	\$3,474.75
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13. **Country Haven Estates:** Please approve supplemental appropriations request and expenditure of \$29,216.00 to VDOT for the cost of the overrun on this project. Country Haven Estates has paid the County the amount required to make this payment per the agreement executed in July 2002.

4101-3002 Professional Services	\$29,216.00
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Mr. Carter asked if anyone had any questions regarding the Consent Agenda items.

Mr. Moore made a motion seconded by Mr. Carwile to approve the **Consent Agenda** (Items 4 – 13) as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called the Board's attention to the **INFORMATIONAL ITEMS:**

14. **Appomattox Town Council Agenda:** A genda for Town Council meeting on April 14, 2003.
15. **E-911 Street Number Signage:** The Public Safety Committee met on April 23, 2003. The Committee will evaluate whether it believes that structure numbering can effectively be accomplished by an ordinance or if it believes that the County should expend 911 tax funds to produce and install structure signs at each residence and business in the County. (The Towns of Pamplin and Appomattox would have to make their own determination regarding these signs.) The Committee may make a recommendation to the Board for consideration. Staff

brings this to the Board's attention recognizing that several organizations have contacted Board members concerning this issue.

Mr. Carwile feels the Board has to be responsible to get done whatever is necessary to get the signs, numbers, etc., put in a specific place rather than individuals placing them where ever that like, at the driveway, on the house, etc. Cost should be no problem.

Mr. Kendrick agrees that the Board definitely needs to designate what the signs should look like and where they are to be placed.

Mr. Carter asked if anyone had anything to discuss under **Supervisor's Concerns**. No one had anything at this time.

Mr. Carter stated a closed session was required in accordance with §2.2 - 3711 A.1 of the Code of Virginia for the purpose of discussing a personnel matter.

At 8:40 p.m. Mr. Carwile made a motion seconded by Mr. Moore to enter into a closed meeting as per §2.2 - 3711 A. 1 of the Code of Virginia for the purpose of discussing a personnel issue. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 8:50 p.m. Mr. Moore made a motion seconded by Mr. Hancock to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2 - 3711 A. 1 - of the Code of Virginia, for the purpose of discussing a personnel matter.

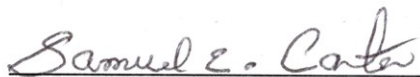
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock , aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if there was any thing to be discussed as a result of the closed session.

At 8:42 p.m. on a motion by Mr. Kendrick seconded by Mr. Carwile the meeting was recessed until Monday, April 28, 2003.


Samuel E. Carter, Chairman

On Monday, April 28, 2003 at 6:30 p.m. the Appomattox County Board of Supervisors held a Budget Work Session in the Appomattox Town Council Chamber at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Jerry G. Kendrick – Appomattox River District
 Russell H. Moore – Piney Mountain District (arrived at 6:35 p.m.)

ALSO PRESENT:
 Andy Carroll – County Administrator

At 6:31 p.m. Mr. Carter opened the recessed meeting and gave the invocation.

Mr. Carter welcomed everyone to the meeting and stated he would stick as close to the agenda as possible.

Mr. Carter first called the **Appomattox County School Board**.

Mr. Lannis Selz, Vice-Chair spoke for the School Board. They have a couple of items they would like to discuss with the Board regarding the school budget. They had put together what they felt was the right budget, a minimum budget that they felt they could operate with and the proposed County budget was about \$260,000 short of that amount. The School Board understands the issues related to the finances of the County. We are all taxpayers ourselves as well as our friends, neighbors and relatives. We know what the issues are. We also recognize the basic issue of how we are able to finance systems, especially in the State of Virginia. Appomattox is a small rural county, but not a relatively poorer county than its neighbors. The average family income for Appomattox is somewhat higher than some of our neighbors, but equal to some of the others. But this does not help when it comes to financing the schools.

They have also tried to make sure everyone is operating on the same data. We hear a lot about what is spent on administration. About seven (7) cents out of every dollar they receive goes to administration, leaving ninety-three (93) cents going to instruction and maintenance. We have fewer professionals in the central office than any of our surrounding counties. They are also the lowest paid around. We are proud of the fact that these people choose to work in Appomattox County.

They also want to make sure that all of the people being paid with taxpayers money are treated fairly, and by the same standards. (The County has an approximately 3% raise for County employees and will continue paying Health Insurance at about 15% increase.) The School budget ranges from about 2% increase for administrative personnel and an average of 2.6% for teachers. Also a 3% increase to health insurance contribution. (Actual figure submitted in budget request is 13.3%)

There was some discussion regarding the programs that will be affected by the funding level proposed. There was also some discussion regarding the purchase of new buses for the upcoming year. These were issues that they were not asking for this year in order to tighten up the budget as much as possible.

The School system had 24 handicapped students last year. This year they are going to have to have a teacher for the hearing impaired, plus additional occupational therapists which amount to an additional \$57,000 they did not include in the budget. We will have to have these, even if this means cutting something else out.

Mr. Selz closed by thanking the Board and hoping they can get things worked out together.

There was a short question and answer session regarding school buses, administrative salaries, driver's education, debt service, and the number of students expected this coming year.

Mr. Carter next called upon **Ms. Barbara Williams, Clerk of the Court** to discuss her budget requests for the FY2004 Budget.

Ms. Williams began by stating that at first glance it appears her budget has increased greatly over last year, but it really has not. Effective January 1, 2003 the salaries of her staff were included with the County's budget, with reimbursement by the Compensation Board. They also received a cut in October of last year and the Board of Supervisors graciously picked that up. For this she thanks the Board. She also thanks the Board for what they are going to do this year. She understands there will be another cut in her funds this year, but it will not be as great as she had anticipated. She has not received all the information regarding this. She will get with Mr. Carroll when she finds out the exactly dollar figure of these cuts. She does know that these will amount of \$4,000 - \$5,000 less than originally anticipated. Ms. Williams explained that was due in part because they collect a \$3.00 fee on each item they record in the office. This is Technology Trust money. When this was implemented by the State Legislature it was solely for upgrading or installing computer equipment in the offices. She was able to install \$69,000 worth of equipment with no cost to the County. The State has now taken part of this money and placed it in the General Fund and this was why the cut will not be as great as originally anticipated.

The Circuit Courtroom budget has a couple of things that we are not using at the present time, such as Courtroom equipment and a maintenance contract which she is going to terminate as they are no longer using that equipment. A new type of equipment will be installed in the new courtroom upon completion.

The only other thing she wished to discuss is that they are going into the fourth year without any raises for her staff. If raises are considered, she would hope that her staff would be considered as well as other personnel. She presently has one full-time

employee that actually makes less than some of the part-time employees. With the impending increase in health insurance coverage, this person would have an even lower take home pay check.

Ms. Williams closed by thanking the Board for picking up the slack in her budget last year.

Mr. Carter thanked Ms. Williams for submitting such a good working budget and looking out for the County.

Mr. Wayne Phelps, President, the Historical Society was next on the agenda.

Mr. Phelps began by saying he has been visiting other county museums and talking to some curators about how they operate. He passed out some pictures taken by Frank Brina. They definitely need work on the museum and they are in the process of changing some of the displays. They are placing some native American artifacts as well as some additional confederate displays from the units of Appomattox.

Mr. Phelps is asking for \$12,000 to the Historical Society and a remodeling job to the Museum. The only thing the County provides for the Historical Society is the building, electricity and gas. They are requesting the remodeling of the porch, repaint the roof, the doors and windows. Mr. Sears quoted a price of approximately \$3,500 for the columns, (last year). The Historical Society will be willing to do the inside work themselves.

He is trying to increase tourism for the County as well as the National Historical Park

Mr. Phelps also addressed the subject of the older Oak trees around the Courthouse being taken down. The understanding is that any trees along the brick wall and in the foot-print of the new building will have to come down.

Mr. Carter thanked Mr. Phelps and called **Ms. Sharon Harrup, Executive Director, STEPS** to discuss their budget needs for FY 2004.

Ms. Harrup stated she was not only present on behalf of her Board of Directors, but also all of the employees that work with STEPS. Ms. Harrup continued by presenting the Board with facts and figures related to the number and type of clients they served from Appomattox County. She also stated that the School system works very closely with STEPS in order for their clients to obtain work skills necessary to complete in the job market.

STEPS is requesting a \$12,000 donation for the upcoming budget year. They are covering around 3,000 miles a month in picking up clients from Appomattox County. They are also in need of additional vans to accommodate all of their clients.

Ms. Harrup invited the Board members to visit their plant facility.

At 7:50 p.m. Mr. Carter thanked Ms. Harrup and called a five (5) minute recess.

At 7:55 p.m. Mr. Carter re-opened the session and called **Mr. Jerry Earnhardt, Executive Director, Crisis Line of Central Virginia** to address the Board.

Mr. Earnhardt gave the Board of brief overview of their operation and the programs offered. They served about 254 people from Appomattox County last year who called their Crisis Hot Line for some reason or another. Some of their programs include: Suicide Intervention; Chatter Line – a public safety newsletter to school children; a Call in Program for children at home alone and homework help; Teen Talk a 24 hr. crisis line for teens; Telecare – a callout program to check on the elderly and home bound (5 from Appomattox); Sexual Assault Response Program – 21 active clients, 2/3 were children.

Crisis Line of Central Virginia operates with a small paid staff and some volunteers.

Mr. Earnhardt stated they had been hit hard by funding cuts from United Way, Community Services Board and the State. They would appreciate any donation that the Board can see fit to give them.

Mr. Carter next called **Johnson Bowles, Director – Longwood Center for the Visual Arts** to present their budget request to the Board.

Ms. Bowles thanked the Board for allowing her to present her request. She gave a brief background of what they do and how they serve the citizens of Appomattox County and everyone in the central Virginia locality. They are located permanently in the Old Peebles Building located on Main Street in Farmville. They are open to the public and admission is free. Last year approximately 20,000 people took part in their activities. They receive no State funding and Longwood only provides ½ of their funding. The rest is provided through other sources.

They have a lot of school tours, both with the Schools and the Head Start program. They have a significant African collection as well as well as Chinese art, etc. They want to continue to provide this service free of charge. They would be grateful to the Board for any contributions.

Mr. Carter thanked Ms. Bowles and called **Barry Lyons, Director of the Small Business Development Center** to address the Board.

Mr. Lyons stated that they work with small businesses to answer questions and help them face the problems they have everyday, to help them fill out paper work and put together loan packages, business plans or whatever their needs may be. Most of the businesses in our region, including Appomattox County are small businesses employing less than 20 employees. Therefore, they do not have the staff or resources to accomplish these necessary tasks. We do not make decisions for these business owners but we are a voice to give them some ideas of what they can make. We have been providing these services

for about 11 years at no charge to the owner. They would appreciate any assistance the Board of Supervisors can give them financially this budget year.

Mr. Carter thanked Mr. Lyons and called **Mike Johnson, Captain of the Appomattox Volunteer Rescue Squad.**

The Rescue Squad has requested \$20,000 to help purchase a new truck. Donations are down, gas and maintenance costs are increasing. The squad ran about 1,339 calls last year. They appreciate what the Boards does contribute each year and they try to get along on donations, but they do have to rely on the Board for assistance from time to time for large equipment needs.

Mr. Carter next called **Gus Fagan, Executive Director of Central Virginia Community Services.**

Mr. Fagan began by publicly thanking Mr. Moore for his long term service on their Board of Directors. In the last fiscal year, Appomattox gave CVCS \$31,435 and this year the CVCS Board is asking for a 3% increase amounting to an additional \$1,267 for a total of \$33,983 for the upcoming year. They provide a variety of services. Last year approximately 448 people from Appomattox County received services. In July of last year they moved into the renovated Courtland Building in downtown Lynchburg. In this building they have medical detoxification for those who need to be dried out before they can get treatment and then moving into the 28 day treatment program. They also initiated a new program for women.

They provide a Counseling Center and Group Home in Appomattox County and are currently working with the Appomattox Elementary School. They appreciate the past support and look forward to working with Appomattox County again this year.

Mr. Brett Thompson, President of the Appomattox Chamber of Commerce was the next person to address the Board.

Mr. Thompson began by stating that the Board has provided the Chamber with \$13,000 in the past. When the Chamber received State Certification Standards in 1995 one of the standards was the operation of a Visitors Center. The Visitors Center has been manned by volunteers since 1993.

Two years ago the Chamber, the Town of Appomattox and the Board of Supervisors formed a Joint Committee on Tourism. There was a proposal made to hire a Tourism Director. The Chamber and the Board of Supervisors approved this plan, Town Council did not. The Board at that time approved \$50,000 toward this plan. Last May, the Chamber took a step of faith and hired Tina LeValley, as the Executive/Tourism Director, as a result they have had to sufficiently increase their budget. Some of the things they have done has past year include: Six "Friday Cheers" events; set up an E-mail network; developed a "Shop 1st Appomattox" mailer; improved Appomattox.com website; added webpage for IDA and industrial park; established a Corporate

Sponsorship program Presently working with Lynchburg Chamber and Region 2000 to be listed as a golf destination. Will have the Civil War Re-enactment in September.

Membership drive recently increased membership from 105 to 140.

All these new initiatives show the Executive/Tourism Director is doing a good job.

The Chamber is requesting \$25,000 from the Board of Supervisors.

After some discussion regarding the pooling of the different groups working on tourism, economic development, etc., and have one common goal to achieve what is best for the County, Mr. Carter thanked Mr. Thompson and the Chamber for all their efforts on behalf of the community.

Ms. Magda Liska, AWAG was next to present a budget request.

Ms. Liska thanked the Board for their past support. She gave a report on what AWAG has done and what they hope to continue doing such as the adoption program and the spay/neuter program. They had applied for the renewal of a grant through the Bob Barker Organization.

The \$2,500 donation from the Board last year was matched by a private citizen.

Ms. Liska also showed the Board several animals they have rescued from the dumpster sites and from individuals who no longer wanted to take care of them.

Ms. Liska also stated AWAG would like to see the County increase license fees, with a differential from sterilized/non-sterilized; get more animals licensed with increased enforcement; and also cats vaccinated and licensed.

At 9:40 p.m. Mr. Carter called for a short recess. Also Mr. Hancock left the meeting.

Mr. Carter reopened the meeting at 9:45 p.m.

Mr. John Wilson requested permission to address the Board on tourism.

Tourism should be a concentrated effort. One that is coordinated in an atmosphere of cooperation. He has been dealing with this issue for many years and has become frustrated with the whole thing. We have a Chamber of Commerce which is primarily a non-governmental organization supporting businesses. Most of those businesses are not involved in tourism directly and derive a minimal amount of income from tourism that they can identify. The Chamber is struggling with getting the money necessary for their Executive Director. To this point all of the Chamber events have been fund raisers, not geared to tourism. He is a member of the Chamber and he supports their efforts. However, he does not feel that all tourism has to be run by the Chamber.

The Town Council and the Chamber of Commerce is happy to let the County pay for all tourism. He has made suggestions to the Chamber and the Town on how to form a Tourism Task Force – this was done. They came up with a list of things that could be done, none of which had not been suggested previously.

Mr. Wilson stated that Ms. Ann Dixon, Recreation Director, was the best tourism director around. He also suggested that her title be changed to Tourism/Recreational Director, and let her coordinate these tourism activities for all the people in the County and all of those who are not members of the Chamber, do not reside downtown and you have control of the budget. You have someone there that is most capable, she can grow in the job and if you keep her from growing, I would dare say you are going to lose her. Someone will find out just how good she is and snap her up. He feels the \$12,000 or \$13,000 would be better spent on budgeting her office and let her find the volunteers who can work with this thing and direct the activities because she has the imagination, the energy, the ability to plan and she will get it done.

The Chamber just does not have the money, the manpower or the widespread support that they need.

There was some discussion regarding where the tourism budget goes. Seldom do you see any Appomattox brochures located at visitors centers elsewhere in the State.

After a lengthy discussion, Mr. Kendrick and Mr. Carwile agreed to look into some of these suggestions and explore options on the CEDS (Comprehensive Economic Development Strategies) Committee which has already been formed and has this as a topic of concentration.

Mr. Carroll stated that a couple of people that were scheduled to appear tonight were unable to attend. One was Ms. Connie Purvis of BREMS. They had requested \$1,300 in this year's budget. We have never funded them before, but they are the organization that helped us secure the grant for the AED's. Roger Irvin at the Sheriff's Department would be a good contact person regarding questions for BREMS.

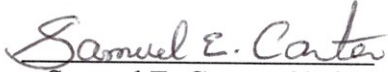
Ms. Rhonda Knight of the Virginia Aid Society submitted the presentation she would have presented tonight. Each of you have a copy.

This concludes all the presentations regarding the Budget tonight. Time will be allocated for Budget discussion at the May 5th meeting.

The Board received a packet of information from Davenport & Co. LLC regarding the courthouse financing at its April 21st meeting. Mr. Carroll presented some figures on interest and length of financing on a bank qualified loan.

The Board agreed to work with Davenport on financing.

At 10:45 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, May 5, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Jerry G. Kendrick, Vice-Chairman – Appomattox River District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District

ABSENT: Samuel E. Carter – Courthouse District

ALSO PRESENT:
Andy Carroll – County Administrator

At 6:30 p.m. Mr. Kendrick opened the meeting and asked Mr. Moore to give the invocation.

Mr. Kendrick asked if anyone wished to speak during the **Citizen Public Comments Period**.

Ms. Rhonda Knight, Director of the Virginia Legal Aid Society asked to address the Board since she was unable to attend the Budget Workshop held on May 28, 2003.

Ms. Knight gave a short presentation on her organization. The Virginia Legal Aide Society is a non-profit law firm which serves the citizens with low incomes. They have lost a lot of financial aid due to cuts as a result of the 2000 Census. They are adding new local governments to their funding lists. They are asking the Board for a donation of \$2,000 for the upcoming budget year.

Ms. Knight thanked the Board for their indulgence.

Mr. Kendrick next called attention to the **Administrative Items: (1-3)**

1. Planning Commission Recommendations:

The Planning Commission has re-submitted its recommendation to the “Mobile and manufacturing homes as accessory buildings and “Elderly/Infirmed family members use of a mobile home in the R-1 district.”

After much discussion, the Board asked that the Planning Commission reconsider the "Mobile and manufacturing homes as accessory buildings, so as not to be too restrictive on the residents of the County.

By consensus, the Board decided to send this recommendation back to the Planning Commission based on the out of sight-out of mind, rules and regulations governing more than one mobile home in one location.

Mr. Moore made a motion seconded by Mr. Kendrick to approve and send to public hearing the recommendation of the Planning Commission to amend the Appomattox County Code as follows and hold a Public Hearing on May 19, 2003: Article XV – Special Provisions for Certain Uses, §170-36 Conditional Uses, paragraph B (8) "*Mobile homes, provided that the mobile home is used to house a specific named elderly [over sixty-five (65) years of age] or infirmed family members(s) and a statement of non-objection signed and notarized by all adjoining property owners and/or residents. A statement of compliance signed and notarized by the property owner shall be filed annually with the zoning administrator.*" VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Kendrick, aye. (4 aye votes, 1 absent)

2. **Budget FY04:**

The Board received the proposed budget for FY04 and has heard from those departments and agencies that wished to speak concerning the proposed budget. Does the Board wish to discuss or possibly revise the proposed budget? Also enclosed is the revised budget schedule.

The General Assembly accepted the Governor's request for a 2.25% increase in Teachers salary which amounts to an increase of State Funds in approximately \$49,000, and would have a match of approximate \$20,000 in local funds. The budget as presented has sufficient funds allocated to make the \$20,000 match.

Mr. Carroll explained the proposed schedule for the finalizing of the FY04 Budget.

Mr. Carwile questioned the amount to be placed in the CIP fund.

At the conclusion of the discussion, Mr. Kendrick made a motion seconded by Mr. Carwile to schedule a Public Hearing on the proposed FY04 Budget for May 19, 2003. VOTE: Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; and Mr. Kendrick, aye. (4 aye votes, 1 absent)

Mr. Kendrick also made a motion seconded by Mr. Carwile to follow the Revised FY04 Budget Schedule with a Board Work Session on Thursday, May 15, 2003. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye. (4 aye votes, 1 absent)

Mr. Kendrick next call for action on the **Agenda Items: (Items 3-6)**

3. **Approval of Bills:** Please approve bills as presented.

BOARD ACTIONS:

4. **County Attorney RFP:** Please approve the revised schedule for the County Attorney interview process given the Board's desire to reopen the application process for this position.

SUPPLEMENTAL APPROPRIATIONS:

5. **Sheriff's Department:** Please approve supplemental appropriation as requested by the Sheriff's Department:
- | | |
|---------------------|---------|
| 3201-7003 Equipment | \$79.98 |
|---------------------|---------|
6. **General Properties:** Please approve the following supplemental appropriation to pay insurance on the Old Elementary School for the Temporary Courthouse:
- | | |
|-----------------------------|------------|
| 4302-5308 General Liability | \$3,010.00 |
|-----------------------------|------------|

There was some discussion regarding one item under bills to be paid and the General Liability insurance on the Temporary Courthouse.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the **Consent Agenda** as submitted. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Kendrick, aye. (4 aye votes, 1 absent).

Mr. Kendrick next called attention to the **Informational Items: (items 7-9)**

7. **Appomattox Town Council Agenda:** Agenda for the Town Council meeting /workshop of April 29, 2003.
7. **United Way-Information & Referral Center Update:** Quarterly report from the Information and Referral Center.
8. **Supervisor's Concerns:** There were no concerns to be discussed.

Mr. Kendrick reminded the Board of upcoming meetings:

Monday, May 19, 2003
Regular Board Meeting and Budget Public Hearing
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, June 2, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

At 7:13 p.m. Mr. Carwile made a motion seconded by Mr. Moore to recess to the meeting with the IDA to discuss Courthouse financing and the proposed budget on Thursday, May 15, 2003 at the Appomattox Community Center. VOTE: Mr. Hancock, aye; Mr. Carwile, aye, Mr. Moore, aye; and Mr. Kendrick, aye. (4 aye votes, 1 absent)

Jerry G. Kendrick, Vice Chairman

At 6:30 P.M. on Thursday, May 15, 2003 the Appomattox County Board of Supervisors held a recessed meeting at the Appomattox County Community Center.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

PRESENT: (Industrial Development Authority)

Bill Slagle
Ms. Laurie Harris
Richard Robinson
Danny Moon
Walter Hancock
Wayne Lewis
Cecil Wooldridge

ALSO PRESENT:

Andy Carroll – County Administrator
Jamie Shields – Davenport & Co., LLC
Warren Redfield – Davenport & Co. LLC
Dan Siegel, Attorney – Sands, Anderson, Marks and Miller
John K. Spencer – Assistant County Administrator

At 6:36 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter welcomed everyone to the meeting and stated the first item on the agenda was:

1. **Courthouse Financing and possible refinancing of the 1998 IDA Bond.**

At 6:38p.m., Bill Slagle, Chairman of the IDA, stated that the IDA would reopen their recessed meeting at this time.

Mr. Carter stated that Mr. Shields will present the financial information while Mr. Siegel will address any legal questions that the Board or the IDA has regarding the financing.

Mr. Shields stated Davenport had put together a booklet that hits upon all the fine points of their findings and analysis. This packet should give them enough information to make an educated and informed decision on which way to go. They issued an RFP on behalf of the County to some twenty-one (21) banks and lending agencies in the surrounding areas and received five (5) bids: Central National Bank of Lynchburg gave the most competitive bid. Sun Trust, BB&T, Wachovia and The Bank of the James were the other bidders. A summary of the bids was given to the Board.

Mr. Shields explained the different lengths and interest rates of various types of loans. He stated the most important thing to remember about both the Courthouse and the Refunding issue is that your typical lease revenue bonds will require a debt-service reserve fund security. The best part about the Central National Bank bid is that you do not have to have a debt-service reserve fund security.

Mr. Shields explained the different scenarios presented in the analysis.

A questions and answer period involving both the Board of Supervisors and the Industrial Development Authority followed.

Staff had recommended that the Board determine the following:

- 1) Amount to be financed: \$5.04 million or \$5.290 million.
- 2) Term length (15 or 20 years) to finance the Courthouse project.
- 3) Approve the Resolution for the financing.

Mr. Kendrick suggested that the Board consider the 20 year note of \$5.29 million as it has a good financing rate and there may be some contingencies such as repairs to the present Courthouse and the Old Jail so they will not be an eyesore around the new building. This will allow us the freedom to repair some things that are in need of repair, and to double up on payments or pay off the note in its entirety if so desired without penalty. This will give us the best of both worlds and is a blessing.

Mr. Kendrick made a motion seconded by Mr. Moore to borrow \$5,290,000 for a period of 20 years (1 year interest). VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Kendrick made a motion seconded by Mr. Moore to refund the IDA 1998 Bond issue. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Mr. Carter next asked Mr. Dan Siegel, County Attorney to explain the Resolutions for both the Board of Supervisors and the Industrial Development Authority regarding the financing plans for the Courthouse project and the 1998 Revenue Bonds.

Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the following resolution pertaining to the financing of the Courthouse Project:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF APPOMATTOX, VIRGINIA**

WHEREAS, the Board of Supervisors of Appomattox County, Virginia (the "**Board of Supervisors**") directed Davenport & Company, LLC (the "**Financial Advisor**") to prepare a Request for Proposals (the "**RFP**") to obtain financing plans to (i) pay the costs of the acquisition, design, construction and equipping of a new County Courthouse (the "**Courthouse Project**") and (ii) to refund the Industrial Development Authority of the County of Appomattox, Virginia (the "**Authority**") outstanding lease revenue bonds, series 1998 (the "**Outstanding 1998 Bonds**");

WHEREAS, the Financial Advisor has received responses to the RFP that reflect attractive financing for the Courthouse Project and significant savings in debt service to the Authority from refunding of the Outstanding 1998 Bonds, and, after reviewing the responses, the Financial Advisor along with the County's Bond Counsel, Sands Anderson Marks & Miller ("**Bond Counsel**") has recommended that the Board of Supervisors select the proposal from Central National Bank (the "**Central National Bank Proposal**");

WHEREAS, the Board of Supervisors has reviewed each of the responses and recommendations from the Financial Advisor and Bond Counsel and has determined that the Central National Bank Proposal is the most beneficial response to the RFP and provides attractive financing terms for the Courthouse Project and significant savings to the County and the Authority from refunding of the Outstanding 1998 Bonds and the Board of Supervisors on behalf of the County desires to accept such Central National Bank Proposal and proceed with the financing reflected therein;

WHEREAS, the Board of Supervisors has requested the Industrial Development Authority of the County of Appomattox, Virginia (the "**Authority**") (a) to issue, offer and sell its lease revenue note or bond in an approximate amount of \$5,290,000 (the "**Series A Note**") to finance the acquisition, design, construction and equipping of the Courthouse Project and (b) to issue, offer and sell its lease revenue note or bond in an approximate amount of \$2,574,000 to refund the Outstanding 1998 Bonds (the "**Series B Note**") and (c) to lease the Courthouse Project and re-lease the underlying projects financed from the Outstanding 1998 Bonds (the "**1998 Projects**") to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "**Act**"), providing its moral obligation in support of the payment of the Series A Note and the Series B Note and the Authority has agreed to do so; and

WHEREAS, the Authority based on the request of the Board of Supervisors proposes to (a) use the proceeds of the Series A Note to pay the costs incurred and to be incurred in connection with the Courthouse Project, including costs of issuing the Series A Note, (b) use the proceeds of the Series B Note to advance refund in full the Outstanding 1998 Bonds, (c) lease the Courthouse Project to the County pursuant to a ground lease and a lease agreement with the Authority, (d) re-lease the 1998 Projects to the County pursuant to a ground lease and lease agreement with the Authority, (e) secure the Series A Note and Series B Note by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) to Central National Bank (the "**Bank**"), under an assignment agreement between the Authority and the Bank, which is to be acknowledged and consented to by the County, all in accordance with a note purchase agreement among the Bank, the County and the Authority, and (f) entering into an escrow agreement for the investment of proceeds and full redemption of the Outstanding 1998 Bonds through an advance refunding;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Appomattox, Virginia:

1. All costs and expenses in connection with (i) the undertaking of the acquisition, design, construction and equipping of the Courthouse Project and the issuance of the Series A Note and (ii) the advance refunding of the Outstanding 1998 Bonds and the issuance of the Series B Note, including the Authority's expenses, the fees and expenses of the County Attorney, and the fees and expenses of the Bank, Bond Counsel, the Financial Advisor, an escrow agent and counsel for the Authority, for the sale of the Series A Note and the Series B Note, shall be paid from the proceeds therefrom or other funds of the County. If for any reason the Series A Note and Series B Note are not issued, it is understood that all such expenses shall be paid by the County and that the Authority shall have no responsibility therefor.
2. The County hereby accepts the Central National Bank Proposal and instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to conclude the financing as set forth in the Central National Bank Proposal by the issuance of the Series A Note and the Series B Note of the Authority and to advance refund the Outstanding 1998 Bonds based upon the recommendation of the Financial Advisor.
3. The following plan for financing the costs of the Courthouse Project is approved. The Authority shall use the proceeds from the issuance of the Series A Note to finance on behalf of the County, the acquisition, design, construction and equipping of the Courthouse Project for lease to the County for a lease term not less than the term of the Series A Note at a rent sufficient to pay when due the interest and principal on the Series A Note. The Authority shall use the proceeds from the issuance of the Series B Note, on behalf of the County, to advance refund the Outstanding 1998 Bonds by funding an escrow account to be invested by an escrow agent for full redemption of the Outstanding 1998 Bonds and shall re-lease the 1998 Projects to the County for a lease term not less than the term of the Series B Note at a rent sufficient to pay when due the interest and principal on the Series B Note. The obligation of the Authority to pay principal and interest on the Series A Note and the Series B Note will be limited to rent payments received from the County under the lease agreement. The obligation of the County to pay rent under the lease agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the Series A Note and the Series B Note. The Series A Note and the Series B Note will be secured by an assignment of rents to the Bank as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Bank may terminate the lease or otherwise exclude the County from possession of the 1998 Projects and the Courthouse Project, subject to judicial authority as to the Courthouse Project. The issuance of the Series A Note and the Series B Note on the terms of the Central National Bank Proposal to be set forth in a note purchase agreement is hereby approved. The documents referenced herein, the lease agreement, ground lease, note purchase agreement, escrow agreement and assignment agreement shall be hereinafter referred to collectively as the "**Documents**".
5. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator are each hereby authorized and directed to execute the Documents and such other instruments and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Bank, to issue the Series A Note and Series B Note and to advance refund the Outstanding 1998 Bonds.
6. The County consents to its Bond Counsel and County Attorney acting in such capacities as well as special counsel to the Authority in this financing.
7. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series A Note or the Series B Note to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the "Code"**) or otherwise cause the interest on the Series A Note or the Series B Note to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings

derived from the investment of the gross proceeds from the sale of the Series A Note or Series B Note.

8. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

9. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Series A Note and the Series B Note, the advance refunding of the Outstanding 1998 Bonds and the undertaking of the acquisition, design, construction and equipping of the Courthouse Project and the leasing of the Courthouse Project and re-leasing of the 1998 Projects is hereby approved, ratified and confirmed.

10. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Series A Note and the Series B Note, the advance refunding of the Outstanding 1998 Bonds or the acquisition, design, construction and equipping of the Courthouse Project.

11. Nothing in this Resolution, the Series A Note, the Series B Note, or the Documents shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Series A Note, the Series B Note or the Documents except from payments made by or on behalf of the County under the lease agreement pursuant to annual appropriation thereof in accordance with applicable law.

12. The County hereby designates, and allocates to the Authority in relation to the issuance of the Series A Note and the Series B Note, such designation as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The County does not reasonably anticipate (nor do any of its subordinate entities reasonably anticipate) issuing more than \$10,000,000 in qualified tax exempt obligations during calendar year 2003 and the County (and any of its subordinate entities) will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.

13. The Board hereby reaffirms and declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Series A Note for Expenditures with respect to the Courthouse Project, made on or after August 17, 2000, which date is no more than 60 days prior to the date of the adoption of the Board's Reimbursement Resolution (October 16, 2000). The County reasonably expects that it will reimburse the Expenditures with the proceeds of the Series A Note. The maximum principal amount of the Series A Note expected to be issued for the Courthouse Project is \$5,290,000.

14. This resolution shall take effect immediately.

ADOPTED THIS 15th OF MAY, 2003.

CHAIRMAN, BOARD OF
SUPERVISORS

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Appomattox, Virginia hereby certifies that the Resolution set forth above was adopted on May 15th, 2003, by the Board of Supervisors with the following votes:

Aye: 5

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Nay: 0

Abstentions: 0

Signed this 15th day of May, 2003.

By: _____
Clerk, Board of Supervisors

Mr. Slagle next called for a motion from the IDA regarding the Resolution Authorizing the financing for the Courthouse Project.

Mr. Walter Hancock made a motion seconded by Mr. Wooldridge that the Industrial Development Authority of Appomattox County adopt the following resolution:

**RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE COUNTY OF APPOMATTOX, VIRGINIA**

WHEREAS, the Board of Supervisors of Appomattox County, Virginia (the "**Board of Supervisors**") directed Davenport & Company, LLC (the "**Financial Advisor**") to prepare a Request for Proposals (the "**RFP**") to obtain financing plans to (i) pay the costs of the acquisition, design, construction and equipping of a new County Courthouse (the "**Courthouse Project**") and (ii) to refund the Industrial Development Authority of the County of Appomattox, Virginia (the "**Authority**") outstanding lease revenue bonds, series 1998 (the "**Outstanding 1998 Bonds**");

WHEREAS, the Financial Advisor has received responses to the RFP that reflect attractive financing for the Courthouse Project and significant savings in debt service to the Authority from refunding of the Outstanding 1998 Bonds, and, after reviewing the responses, the Financial Advisor along with the Authority's Bond Counsel, Sands Anderson Marks & Miller ("**Bond Counsel**") has recommended that the Authority select the proposal from Central National Bank (the "**Central National Bank Proposal**");

WHEREAS, the Authority has reviewed each of the responses and recommendations from the Financial Advisor and Bond Counsel and has determined that the Central National Bank Proposal is the most beneficial response to the RFP and provides attractive financing terms for the Courthouse Project and significant savings to the Authority from refunding of the Outstanding 1998 Bonds and the Authority desires to accept such Central National Bank Proposal and proceed with the financing reflected therein;

WHEREAS, the Board of Supervisors has requested the Industrial Development Authority of the County of Appomattox, Virginia (the "**Authority**") (a) to issue, offer and sell its lease revenue note or bond in an approximate amount of \$5,290,000 (the "**Series A Note**") to finance the acquisition, design, construction and equipping of the Courthouse Project and (b) to issue, offer

and sell its lease revenue note or bond in an approximate amount of \$2,574,000 to refund the Outstanding 1998 Bonds (the "Series B Note") and (c) to lease the Courthouse Project and re-lease the underlying projects financed from the Outstanding 1998 Bonds (the "1998 Projects") to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "Act"), and the Authority has agreed to do so; and

WHEREAS, the Authority proposes to (a) use the proceeds of the Series A Note to pay the costs incurred and to be incurred in connection with the Courthouse Project, including costs of issuing the Series A Note, (b) use the proceeds of the Series B Note to advance refund in full the Outstanding 1998 Bonds, (c) lease the Courthouse Project to the County pursuant to a ground lease and a lease agreement with the Authority, (d) re-lease the 1998 Projects to the County pursuant to a ground lease and lease agreement with the Authority, (e) secure the Series A Note and Series B Note by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) to Central National Bank (the "Bank"), under an assignment agreement between the Authority and the Bank, which is to be acknowledged and consented to by the County, all in accordance with a note purchase agreement among the Bank, the County and the Authority, and (f) entering into an escrow agreement for the investment of proceeds and full redemption of the Outstanding 1998 Bonds through an advance refunding;

NOW THEREFORE, BE IT RESOLVED by the Industrial Development Authority of the County of Appomattox, Virginia:

1. The Authority hereby finds and determines that the undertaking of the acquisition, design, construction and equipping of the Courthouse Project for the County will be consistent with the purposes of the Act and that the Courthouse Project will be an "authority facility" within the meaning of the Act.
2. All costs and expenses in connection with (i) the undertaking of the acquisition, design, construction and equipping of the Courthouse Project and the issuance of the Series A Note and (ii) the advance refunding of the Outstanding 1998 Bonds and the issuance of the Series B Note, including the Authority's expenses, the fees and expenses of the County Attorney, and the fees and expenses of the Bank, Bond Counsel, the Financial Advisor, an escrow agent and counsel for the Authority, for the sale of the Series A Note and the Series B Note, shall be paid from the proceeds therefrom or other funds of the County. If for any reason the Series A Note and Series B Note are not issued, it is understood that all such expenses shall be paid by the County and that the Authority shall have no responsibility therefor.
3. The Authority hereby accepts the Central National Bank Proposal and instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to conclude the financing as set forth in the Central National Bank Proposal by the issuance of the Series A Note and the Series B Note of the Authority and to advance refund the Outstanding 1998 Bonds based upon the recommendation of the Financial Advisor and the request of the Board of Supervisors.
4. The following plan for financing the costs of the Courthouse Project is approved. The Authority shall use the proceeds from the issuance of the Series A Note to finance the acquisition, design, construction and equipping of the Courthouse Project for lease to the County for a lease term not less than the term of the Series A Note at a rent sufficient to pay when due the interest and principal on the Series A Note. The Authority shall use the proceeds from the issuance of the Series B Note to advance refund the Outstanding 1998 Bonds by funding an escrow account to be invested by an escrow agent for full redemption of the Outstanding 1998 Bonds and to re-lease the 1998 Projects to the County for a lease term not less than the term of the Series B Note at a rent sufficient to pay when due the interest and principal on the Series B Note. The obligation of the Authority to pay principal and interest on the Series A Note and the Series B Note will be limited to rent payments received from the County under the lease agreement. The obligation of the

County to pay rent under the lease agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Series A Note and the Series B Note will be secured by an assignment of rents to the Bank as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Bank may terminate the lease or otherwise exclude the County from possession of the 1998 Projects and the Courthouse Project, subject to judicial authority as to the Courthouse Project. The issuance of the Series A Note and the Series B Note on the terms of the Central National Bank Proposal to be set forth in a note purchase agreement is hereby approved. The documents referenced herein, the lease agreement, ground lease, note purchase agreement, escrow agreement and assignment agreement shall be hereinafter referred to collectively as the "**Documents**".

5. The Chairman or Vice Chairman of the Authority, or either of them, and Secretary of the Authority are each hereby authorized and directed to execute the Documents and such other instruments and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Bank, to issue the Series A Note and Series B Note, to advance refund the Outstanding 1998 Bonds and to lease the Courthouse Project and to re-lease the 1998 Projects.

6. The Authority agrees to the recommendation of the County that Sands, Anderson, Marks & Miller, a Professional Corporation, Richmond, Virginia, serve as bond counsel and hereby appoints such firm to supervise the proceedings and approve the issuance of the Series A Note and Series B Note and consents to such firm acting in such capacity as well as County Attorney and, as special counsel to the Authority in this financing.

7. The Authority represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series A Note or the Series B Note to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the "Code"**) or otherwise cause the interest on the Series A Note or the Series B Note to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the Authority shall comply with any provision of law that may require the Authority at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Series A Note or Series B Note; provided, however, the Authority is relying upon all such actions and payments, if any, to be done and made by the County.

8. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

9. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Series A Note and the Series B Note, the advance refunding of the Outstanding 1998 Bonds and the undertaking of the acquisition, design, construction and equipping of the Courthouse Project is hereby approved, ratified and confirmed.

10. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Series A Note and the Series B Note, the advance refunding of the Outstanding 1998 Bonds or the acquisition, design, construction and equipping of the Courthouse Project.

11. Nothing in this Resolution, the Series A Note, the Series B Note, or the Documents shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Series A Note, the Series B Note or the Documents except from payments made by or on behalf of the County under the lease agreement pursuant to annual appropriation thereof in accordance with applicable law.

12. The Authority hereby designates the Series A Note and the Series B Note as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The Authority does not reasonably anticipate issuing more than \$10,000,000 in qualified tax exempt obligations during calendar year 2003 and the Authority will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.

13. This resolution shall take effect immediately.

ADOPTED THIS 15th OF MAY, 2003.

CHAIRMAN

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Secretary of the Industrial Development Authority of the County of Appomattox, Virginia hereby certifies that the Resolution set forth above was adopted on May 15th, 2003, by the Authority with the following votes:

Aye: 7

ROLL CALL VOTE: Ms. Laurie Harris, aye; Mr. Richard Robinson, aye; Mr. Danny Moon, aye; Mr. Walter Hancock, aye; Mr. Wayne Lewis, aye; Mr. Cecil Wooldridge, aye; and Mr. Bill Slagle, aye. (7 aye votes)

Nay: 0

Abstentions: 0

Signed this 15th day of May, 2003.

By: _____
Secretary

Tuesday, June 3, 2003 was scheduled for the IDA to complete the transaction.

At 7:37 p.m. Mr. Carter called for a short recess, at which time the IDA members, Mr. Spencer, Mr. Shields, Mr. Redfield, Mr. Dan Siegel and Mr. Jesse Hancock left the meeting.

At 7:58 p.m. Mr. Carter re-opened the meeting and asked if there was any further discussion on the Courthouse situation.

Mr. Kendrick stated he would like to see the old Courthouse and Jail Building be upgraded and possibly available for Public Use. This could be funded with the money recouped from the Courthouse Financing.

Mr. Kendrick then made a motion seconded by Mr. Carwile to have the Courthouse Committee, consisting of Ms. Barbara Williams, Mr. Bill Jamerson, and Mr. Russell Moore, look into upgrading the old Courthouse and Jail House to determine what needs to be done to make these facilities safe for public use. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called attention to the second item on the agenda:

2. FY04 Budget Discussion: This time has been scheduled to allow for discussion and review of the proposed budget. The public hearing has also been scheduled for Monday, May 19, at 7:15 p.m.

The Department of Social Services has submitted its proposed budget of \$1,157,316. The latest figure given to Mr. Carroll is \$1,125,567 which may or may not include State and Federal monies. Mr. Carroll is not sure if there is an increase or decrease in local funding. He will have more direct information by the board meeting on Monday.

Mr. Carwile had a question regarding the Budget for the Animal Control Officer. He had requested a new vehicle but at the last meeting, this vehicle was eliminated, and hopefully held to next year's budget.

The tourism budget was also discussed. At the present time there is \$32,000 allotted for this budget, with \$13,000 going to the Chamber of Commerce on the first of July with no strings attached for tourism. We also budget \$5,000 for brochures for the Chamber. \$4,000 is also budget for advertisements in the Virginia Tourism Guide, the state tourism guide which advertises Appomattox and the Chamber of Commerce website. Another \$4,300 is budgeted for Lee's Retreat which gives us additional marketing with the Virginia's Civil War Trails. They also market the Civil Rights in Education History Trails which will include 2 or 3 stops in Appomattox County. There is also the Railroad Festival and overtime for the Sheriff's Department to work these festivals.

Mr. Carwile questioned if government funds should be used for a private organization? This is not a government function. What are we getting in return for that money spent. He is supportive of tourism, but wonders if there is a way this money could be spent so as to get better results. Mr. Carwile continued with it is the Board's responsibility to see how this money is spent.

Mr. Moore contends that the biggest thing the Chamber of Commerce does is keeps the Visitors Center open down town.

Mr. Kendrick questions if we are spending County money in a way that all residents of the county receive the benefits. Money spent on tourism is speculative and is an investment. These funds may benefit one district but not all of the districts. When he ran for the Board of Supervisors he ran under the

commitment that something would be done to benefit all of the citizens of the County, but so far nothing has been done. He would rather budget more money and the County be more involved in the dispensing and share in the return. The present tax structure will never allow this to happen. He continued with the "rules of investment are you should get a return". He would like to increase the tourism budget to \$50,000 and direct Mr. John Spencer to oversee the process and hire a director as a County employee.

Mr. Carter stated that tourism and the Chamber of Commerce are two separate identities. The Chamber of Commerce is for businesses, largely downtown and tourism is for all parts of the County. This Board just recently endorsed tourism and the only way to achieve this to bring it under the realm of the County.

The consensus of the Board is to have staff: 1) Develop some strategy; 2) evaluate the return of investment; 3) have groups work together to achieve a goal, this goal being monies coming in and reducing tax base. Also hold money in budget until that criteria is met.

Mr. Carter next called attention to the next item:

2. Festival Permit: The Lions Club is requesting approval of a festival permit for their annual Food Festival to be held on Friday, May 16, 2003. They are also requesting the Board to waive permit and bond fees as in previous years.

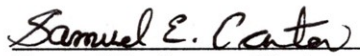
Mr. Kendrick made a motion seconded by Mr. Moore to approve the festival permit for the Lions Club to hold its annual Food Festival to be held on Friday, May 16, 2003. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes)

Mr. Carter next called for **Supervisor's Concerns:**

Mr. Carwile has a concern regarding the Lime Plant. He understands that we should be able to place a tax or fee on each ton of lime that goes out of the County, or is sold in the County. If we access a five or ten cents tax per ton, look at the revenue we could generate.

Mr. Carroll will check on this and report back to the Board.

At 8:45 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

On Monday, May 19, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting, a Planning Commission Public Hearing and a Public Hearing on the FY04 Budget in the Council Chambers located at the Appomattox Town Office Building on Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter – Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District

ABSENT: (Board of Supervisors)

Jerry G. Kendrick – Appomattox River District

PRESENT: (Planning Commission)

Kevin O'Brien
 Steve Conner
 Calvin Tanner
 Jerry Hughes
 Jim Seftor
 Marvin Mitchell
 John Wilson
 Robert Johnson
 Susan Hudson

ABSENT: (Planning Commission)

Al Sears

ALSO PRESENT:

Andy Carroll – County Administrator
 Brandon Stidham – County Planner

At 6:31 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter next called for **Citizen Public Comments:** This time is provided to allow citizens to appear to discuss issues that are of importance or concern to them.

Rich Guild came forward. Mr. Guild wanted to review a report he handed to the Board members. He is speaking as the Webmaster for the County website. He pointed out that tourism is the world's largest industry. It the third largest employer in Virginia and should play a large part in our County.

Mr. Guild also stated that the Chamber of Commerce was involved in the following: They are a marketing tool for tourism. He also pointed out 10 ways the County gets a return on their investment in the Chamber of Commerce. He estimates that the Appomattox County website brings in approximately \$100,000 per year in sales. This is based on the fact that he used to be an owner in the Babcock House and used to ask everyone that came in how they found us. The County does draw revenue from Sales Tax. Mr. Guild stated that the \$13,000 the County gave to the Chamber had nothing to do with the hiring of a Tourism Director. The County of Appomattox, the Town of Appomattox and the Town of Pamplin need to work together to make tourism happen. He will be willing to work with whomever is doing tourism, but the Chamber of Commerce should not be totally cut out of the tourism planning process.

Mr. Guild handled the Board some petitions signed by concerned citizens who are in favor of the County continuing to fund the Chamber.

Ms. Debbie Powell came forward stating she is coming as a citizen of the County who happens to be on the Tourism taskforce. The taskforce has spent two years working on a tourism plan, not finalized as yet. She is not a member of the Chamber or the Chamber Board, but they have had the total cooperation of the Chamber in planning for tourism. Most of the members of the Chamber Board have been there for a very long time, probably longer than most of the Board of Supervisors. They are truly dedicated and will probably be there long after the rest of us have gone on to other things. She is asking that everyone get on the same team and all play ball together. The Board voted to support the resolution supporting the Tourism Taskforce and she would like to see the county, town and chamber and the tourism taskforce all headed in the same direction. There are a lot of things on the table, ready to happen, but if we pull the plug on the Chamber, none of these things will happen. They cannot do these without funding.

Ms. Powell also shared a list of things that they are working on at the present time.

Ms. Marcy Jones wished to address the Board. Every year she, her mother and her sisters travel to different cities and spend money. They go to the places that have history, places that have Bed and Breakfast Inns, and places that have nice little cafes for dining. We have a lot of this right here in our County. She would love to

have her sisters and her mother to come here. If we support the Chamber and their endeavors in tourism, maybe this will become a reality.

At 6:53 Mr. Carter called for a recess until 7:00 p.m.

At 7:00 p.m. Mr. Carter re-opened the meeting for a Joint Public Hearing with the Planning Commission. Mr. Carter read the following statement:

This joint public hearing provides property owners with the opportunity to present their zoning petitions, and concerned citizens with the chance to speak in support of or against the petitions, before the Appomattox County Planning Commission and Board of Supervisors.

Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting that will immediately follow the public hearing.

We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for the petition, and finally by individuals speaking against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter turned the meeting over to Mr. Stidham.

Mr. Stidham read the first petition to be heard:

03-519 - Warren E. & Elaine Guill: Conditional use permit to establish a private cemetery in the R-1 District per §170-37(A)(1) of the Appomattox County Zoning Ordinance. Property is located on Rt. 660 between Rt. 26 and Rt. 661, Tax Map #38(1)3.

Mr. Stidham asked if anyone wished to speak for or against this petition.

Hearing none, Mr. Stidham read the next petition.

03-520 - Janet F. Moore: Conditional use permit for sale and display of prefabricated accessory buildings at an existing business in the B-1 District per §170-47 of the Appomattox County Zoning Ordinance. Property is located at the corner of U.S.460 West and Rt. 613, Tax Map #63(A)3 and 4.

Mr. Stidham called for comments for or against this petition.

Ms. Janet Moore of Rt. 4, Box 146, Appomattox, Va came forward to speak for this petition. Ms. Moore is requesting this permit for M & M Motors.

Mr. Stidham asked if anyone else wished to speak. Having no other comments, the meeting was turned back to Mr. Carter.

At 7:03 p.m. Mr. Carter closed the Planning Commission Public Hearing and called for a recess until 7:15 p.m.

At 7:15 p.m. Mr. Carter reopened the meeting and called for the **Public Hearing on the Proposed FY 04 Budget**. The Board has scheduled a public hearing in order to receive comments on the proposed County budget for fiscal year 2004.

Mr. Carter called Mr. Bill Burke to address the Board.

Mr. Burke began by stating he was there as a businessman/citizen of the County and as a County and Town taxpayer and a proud member of the Appomattox "COUNTY" Chamber of Commerce. The Chamber consists of all volunteer county and town businesses joined together to promote their businesses in the County and Town of Appomattox. He is asking that you don't even consider cutting out the \$13,000 you have been giving to the Chamber for several years. He also supports the funding of the additional \$12,000 the Chamber has requested this year. Tourism benefits the County more than the Town. Every dollar spent, generates seven dollars in additional business. Every business located in town pays taxes to the County. To attract and hold tourism dollars there has to be a joint effort between the County, the Town and the Chamber of Commerce. We are in competition with the surrounding counties and towns and irresponsible remarks between County and Town government drives a wedge into good working relationships. Do not let personal vendettas or personality clashes enter into your decision to support the Appomattox County Chamber of Commerce. We have an excellent Website, one of the best he has ever seen. We have a beautiful Visitors Center and people from all 50 states stop by for information on the county. He is in total disagreement with a statement recently published in the newspaper regarding the visitors center and its location. He is proud of his County, his town and the Depot. There has also been a lot of wrong information circulated between the County officials and the Chamber of Commerce. Mr. Burke concluded by stating we all need to work together and let the Tourist dollars help reduce the tax bills.

Richard Lewandowski was the next speaker. Mr. Lewandowski serves as a volunteer on the Chamber of Commerce. He gave the Board a lot of financial information and cash flow analysis of the Visitor's Center. The Visitors Center has an income stream of approximately \$20,000; \$13,000 from the County, \$2,000 from town which is allocated for clerical help,

rent from the various businesses located in the Depot, donations and retail sales.

The expenses for the Visitors Center are: 50% of salary for Tourism Director, a Coordinator and clerical help amounting to \$25,000. There are also utilities amounting to \$2,200. Postage, mailings, building maintenance, miscellaneous supplies which all add up to about \$32,000 to \$33,000 per year. This leaves a short-fall of exactly \$12,000. This \$12,000 is the minimum needed. Hopefully the additional funding will help with some of the things planned for the future and allow them to keep the Visitor's Center open.

At 7:25 p.m. Mr. Carter closed the Public Hearing on the FY04 Proposed Budget.

Mr. Carter called the Board's attention to the next item on the Agenda:
Administrative Items:

1. **FY04 Budget:** The Board has held a public hearing regarding the proposed FY04 budget. The Board has also scheduled a meeting on Thursday, May 29 for a budget workshop, if necessary, and is scheduled to adopt the budget at the June 2 meeting. This time has been allotted for discussion and possible revision of the proposed budget.

Mr. Carwile stated a lot of time has been spent on the budget process and he does not feel it is necessary to have the meeting on the 29th. He feels that the Budget is ready for adopting without any further meetings.

Mr. Carter feels that from the public hearing tonight, they have heard from some of the citizens regarding their comments. They have also heard from other agencies and organizations. Everything has been brought before the Board of Supervisors. There are, of course, lots of things they would like to do but he is well pleased with the budget as presented.

Mr. Moore feels that most all organizations were level funded. STEPS and Community Services Board did not get increased funding. Everyone is being treated the same.

Mr. Hancock stated he did not fully understand some of the things he had heard tonight. He is concerned about tourism. He is in favor of granting the Chamber the \$25,000 they have requested. We have to start somewhere why not start this year.

Mr. Carter reported that the Board does not have to adopt the budget tonight. That is scheduled for June 2, 2003. We all share the concerns for tourism. We, as a Board, asked the County Administrator to go forth and

present us with a balanced budget where the tax rate would stay at \$.66 per hundred. We knew it would be tough and it would be tight. In conjunction with that, we sent letters to the Constitutional Officers and other organizations asking them to not come before the Board asking for additional money for the simple reason that the nation as well as the state is in a turmoil and we are no different as a locality. We need something to enhance our tax base. With that, the monies set forth in this county has to be distributed and accounted for equally and in a productive and efficient manner. At this time the Board has come to a consensus that the FY04 budget be adopted as it stands.

Mr. Carwile stated he is still speaking for the people he represents in wanting to know why we support the Chamber of Commerce when it is not a government function.

Mr. Carter at this time recognized Mr. Bill Burke who stated he would like to answer Mr. Carwile's question.

Mr. Burke began by stating the Chamber is a group of local business people and individuals that are interested in supporting the County and Town. Their main concern right now is tourism. If they can get the tourism dollars in here, and we need more money to attract them, our tax rate could be reduced probably to \$.55 or even lower than that. We need to get something going to attract people and keep them here. If you invest in it, you will get a return, it is a small amount of money being asked for. The Chamber is not a government entity, but it is a body of business people and community leaders who are for the people and by the people. We support the government agencies in the community and we expect them to support us too.

Mr. Carter also recognized Mr. Rich Guild who wished to comment.

Mr. Guild wanted to point out that most governments do, in fact, support tourism through a private or their own locally governed group because they recognize the value of it. The only reason you would give money to the chamber would be to support tourism because you do not have tourism program yourselves.

Mr. Carwile asked Mr. Guild if he would support a County tourism effort?

Mr. Guild stated that if the County were to establish it's own tourism office, it would cost approximately \$100,000 to \$150,000.

Mr. Hancock made a motion seconded by Mr. Moore to have Mr. Carroll look over the budget for an additional \$12,000 to be allocated for Tourism. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter moved to the next item on the agenda:

2. **Contract to Audit Accounts:** The Board has received a proposed contract from Robinson, Farmer, Cox to audit the accounts for the County for FY03. The contract is for \$13,750 which reflects no increase over the FY02 audit preparation.

Mr. Moore made a motion seconded by Mr. Hancock to contract with Robinson, Farmer, Cox to audit the County's accounts for FY03. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes & 1 absent).

3. **Landfill Loader Repairs:** The loader at the landfill has blown its engine and is also in need of repairs to its transmission. These damages will require extensive repairs or replacement. The landfill must have a loader and is currently renting a loader to handle the disposal work.

Mr. Carroll pointed out that the 963 Loader at the landfill is over 10 years old and has over 9,000 hours on it. The maintenance done by the landfill crew has helped it do a good job. A lot of the hours of use were done in the first seven years with the last three years having been less strenuous due to the balefill system. Several price quotes have been obtained to either replace new or to replace the components of the engine and transmission. A new 963 will be over \$200,000 and we would have to do a procurement bid. Staff is recommending that the Board go with a re-manufactured engine which has all new parts and rework the transmission. That cost would be \$54,500. The turnaround time for this option would be much quicker than going through the procurement process. These funds were not budgeted, as we never know when an engine or transmission will go out. The rental on the loader now being used is \$1,300 or \$1,400 per week. We have to have a loader because right now we are fluff-filling the topo marks to make sure we maximize the disposal in the cell.

Mr. Carwile had a couple of questions, which Ms. Rockefeller provided the answers.

Mr. Carwile made a motion seconded by Mr. Hancock to recondition the motor and transmission for the 963 Loader at the Landfill. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

4. **Landfill Fee Waiver Request:** Our Lady of Peace Catholic Church is requesting Landfill Fee be waived for roofing debris. The Board has waived this fee for other churches and non-profit organizations in the past.

Mr. Carwile made a motion seconded by Mr. Hancock to waive the landfill fee for Our Lady of Peace Catholic Church. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called attention to the **Agenda Items: (Items 5-15)**

5. **Approval of Bills:** Approve bills as presented.

BOARD ACTIONS:

6. **"COPS" Grant Application:** Please approve the submittal of the "COPS" grant for up to \$25,000 for Homeland Security Overtime as requested by the Sheriff. The grant would require a local match of 25% or \$6,250.00.
7. **ACTIONS Committee:** Please approve the appropriation of \$27,175.00 to the School Board for the resurfacing of the Appomattox County High School track. Funds will come from the proceeds of land auction.
8. **Memorial Day Ceremony:** Please approve the request by the American Legion to use the Courthouse square for a Memorial Day Ceremony on Monday, May 26, 2003.

FUND TRANSFERS:

9. **Town Ball Park:** Please approve the transfer of \$750.00 from the Ball Park Fund to the general revenue fund and supplement 7102-3002 Professional Services for fill material for the ballpark.

LINE ITEM TRANSFERS:

10. **Library:** Please approve the transfer of \$2,464.00 from 7301-5840 Special Library Fund to 7301-3002 Professional Services.
11. **Legal Services:** Please approve the transfer of \$10,000.00 from 1101-5804 Operating Reserve to 1204-3002 Legal Services.

SUPPLEMENTAL APPROPRIATIONS:

12. **Sheriff's Department:** Please approve the supplemental appropriations as requested:
- | | |
|--------------------------------|---------|
| 3102-5203 – Telecommunications | \$52.20 |
| 3102-7001 – Equipment | \$47.59 |
13. **General Properties:** Please approve supplemental appropriations for insurance funds received on an HVAC unit damaged by lightning:
- | | |
|-----------|----------|
| 4302-7001 | \$435.00 |
|-----------|----------|

14. **School Board – Temporary Courthouse Utilities:** Please approve supplemental appropriations for utility expenses associated with the temporary courthouse:
 Fund 10 6101-1001 \$421.32
15. **Library:** Please approve supplemental appropriations as requested:
 7301-5411 – Books \$642.96
 7301- 5415 – Summer Reading \$ 50.00

Mr. Carter called for questions regarding the Consent Agenda.

Mr. Carwile asked for clarification on the “COPS” Grant. The matching funds for the County amounts only to \$6,250.00 on the condition that the grant is approved.

Mr. Hancock made a motion seconded by Mr. Carwile to approve the **Consent Agenda** as presented: VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next read the **INFORMATIONAL ITEMS:**

16. **School’s Monthly Financial Report:** Monthly Financial Report for the month of June, 2003.
17. **Animal Pound Inspection Report:** Report of inspection done on 5-1-03.
18. **Appomattox Town Council Agenda:** Agenda for Town Council meeting of May 12, 2003.

There was some discussion regarding Item 17 – Animal Pound Inspection Report. Mr. Carroll explained that at the present time we do not have the facilities to separate the cats and dogs in separate rooms and maintain an isolation room. This can only be accomplished by an addition to the pound.

Mr. Carter asked if there were any **Supervisor Concerns** to be discussed.

Mr. Carter stated he had an information item from the VACo newsletter. Highland County’s Commonwealth Attorney is suing the Board of Supervisors for not picking up the decrease in his budget created by the State Budget cuts.

Mr. Carter next reminded the Board of upcoming meetings:

Monday, June 2, 2003

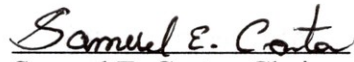
Regular Board Meeting

Council Chambers - Appomattox Town Office

6:30 p.m.

Monday, June 16, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

At 7:55 p.m. on a motion by Mr. Hancock seconded by Mr. Moore the meeting was adjourned. Vote: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).


Samuel E. Carter, Chairman

At 6:30 on Monday, June 2, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Council Chamber of the Appomattox Town Office, Linden Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Kendrick to deliver the invocation.

Mr. Carter next opened the meeting for **Citizen Public Comments:**

Ms. Terri Conrad, Appomattox, a member of the Tourism Task Force came forward. The Tourism Task Force held a meeting this afternoon. She thought Mr. Bill Burke was going to be present tonight. She is making a plea to the Board of Supervisors to consider granting the Chamber funding for tourism or at least a portion of the funding immediately so that the momentum that has been started with several projects in the County will not stall, be stopped and possibly lost. Ms. Conrad closed by thanking the Board for considering this request.

Mr. Carter asked if there were any more public comments. Hearing none, he moved on to the next agenda item.

Mr. Carter called **Mr. Don Austin, Resident Engineer – VDOT** to address the Board. Mr. Austin is appearing tonight to address any questions the Board may have regarding the resolution presented tonight pertaining to the Lime Plant Road. Also Mr. Austin will try to answer any questions the Board may have regarding VDOT issues.

Mr. Austin explained that the resolution would add the newly constructed road to the Secondary Road System and abandon the old construction as it is no longer needed.

Mr. Moore made a motion seconded by Mr. Carwile to adopt the following resolution regarding the newly constructed section of Lime Plant Road:

Whereas, the Virginia Department of Transportation has constructed Lime Plant Road on a new alignment under Project 0683-006-200, C501, B628 and;

Whereas, project sketch, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that construction, and;

Whereas, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need, and;

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add Section 2 to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and;

BE IT FURTHER RESOLVED, this Board hereby abandons Section 1 from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and ;

BE IT FINALLY RESOLVED, This Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Austin also gave the Board a report on the 911 Street Signage. The contractor began installing the street signs about a month ago. They discovered that some of the signs were the wrong size, incorrectly installed, and that sort of

thing. There was a lot of confusion. VDOT had to set back down with the contractor and as of today, they plan to be back in about two weeks and start re-installing the signs. They are behind schedule, but the weather has not been too cooperative either.

The Route 652 project is behind schedule. The bridge is ok, but the road is not finished due to rain.

Route 721 in Stonewall where the road washed out. Work being done and should be open by the end of June.

The 460 By Pass - The Commonwealth Transportation Board approved the naming of this section the C. T. Moses Jr. Highway. It is now up to the Town to do a sign, etc.

Mr. Moore stated VDOT had done a good job on the Lime Plant Road.

There was some discussion regarding mowing along the secondary roads and a curve on Rt. 616 causing a wreck.

Mr. Austin closed by stating that if there were any complaints concerning sight distance, give VDOT a call.

Mr. Carter next called **Mr. Richard Lewandowski, Chamber of Commerce Board** to address the Board. Mr. Lewandowski is meeting with the Board in order to provide an update on the Chamber's financial status.

Mr. Lewandowski began by stating the total funding needed for the Chamber to maintain its status quo is \$25,000. They have taken steps to curtail some major expenses, because they knew they could not continue to go along that path any further. They have laid off the Tourism Director and regrouped to determine what options they have in order for the Chamber to remain viable. Mr. Lewandowski had Mr. Rich Guild hand out a report featuring three (3) options regarding the funding. Mr. Lewandowski went over these options.

Option 1: No funding from the County:

Continue to operate the visitor's center for the short term – stop all tourism promotion and get out of the tourism business. Move the chamber office to smaller and less expensive space. Close the visitor's center when funds run out. Concentrate 100% on Chamber Business.

Option 2: Receive \$13,000.00 annually from County plus the brochure funding every other year:

Chamber can continue to operate the visitor's center and promote tourism on a part time basis. Hire a part time person to operate. Cannot afford a real tourism director.

Option 3: Receive \$25,000.00 annually from county plus the brochure funding every other year.

Chamber can continue to operate the visitor's center and do a better job to promote tourism and offer Tina LaValley her full time job back.

They are presently operating under Option 1. They will continue to operate the Visitors Center and keep it open and they will also continue to monitor the Chamber finances throughout the year.

After a lengthy question and answer session, everyone was of the opinion that we needed to keep the projects already under way going and everyone needs to work together regardless of who is in charge of tourism, the County or the Chamber. If we lose the reenactment project and others like it, we will never be able to lure these events back. Mr. Carter thanked both Mr. Lewandowski and Mr. Guild for their input on this matter.

At 7:25 p.m. Mr. Carter called for a short recess.

The meeting was reopened at 7:32 p.m.

Mr. Carter moved on to the **Administrative Items:**

1. **FY04 Budget Discussion & Adoption:** This time has been scheduled by the Board to make any final budget adjustment and to adopt the FY04 budget. Staff will make the Board aware of any possible changes for the Board's consideration, discuss and make revisions, if any, and adopt the FY04 budget as amended.

Mr. Carwile stated he had received many complaints regarding Driver's Education being cut from the school program next year. He understands that it has been cut to hire additional employees. He also understands that the driver's education costs approximately \$65,000 to \$75,000 per year, plus the cost of an automobile which would possibly mushroom out to about \$100,000 per year. If what he is hearing is correct, he would ask that the Board of Supervisors take \$100,000 from the School Board budget, put it on hold and if the School does not offer driver's training, this money be used to fund other means of offering the children this training elsewhere.

Mr. Carter has also received numerous calls regarding this issue. It is a major concern in the upcoming budget. He is supportive of what Mr. Carwile is suggesting.

Mr. Carter asked Dr. Krug – School Superintendent to comment on this. Dr. Krug stated the School Board has not adopted a budget for the upcoming school year, so he cannot say if there has been any action taken one way or another.

Mr. Carwile made a motion seconded by Mr. Carter that if the School Board does not include the Driver's Education Program in its adopted budget for FY04 that the Board of Supervisors withhold the \$100,000 from the School's budget. ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, nay, Mr. Kendrick, nay and Mr. Carter, aye. (3 aye votes, 2 nay)

Mr. Carroll stated Social Services had submitted an initial proposed budget of \$173,512 but their actual budget will be \$177,690 in local dollars. This represents only a \$1,900 increase in local funds over last year. The \$4,178 in this budget can be made up through Revenue Maximization. These funds would actually be refunded from the Federal Government. Mr. Carroll recommends that the Board adopt this amended budget for Social Services.

Mr. Carter next addressed the recommendations for the Chamber of Commerce/Tourism budget request.

Mr. Carwile stated we have heard about tourism tonight. This is nothing new to the Board or the Town Council and this is something we all believe in and all support. What he is hearing here tonight and what he has heard from the public he would like to put a motion on the floor that we place tourism under the Board of Supervisors and have a tourism director who would report to the Board of Supervisors and also appropriate \$50,000 for this project.

Mr. Kendrick agrees with Mr. Carwile on the \$50,000. However, the tourism director should report to the County Administrator as any other county employee. The director would give the Board of Supervisors a monthly report.

Mr. Carwile made an amended motion seconded by Mr. Hancock to take Tourism under the Board of Supervisors, appropriate \$50,000, hire a Tourism Director under the supervision of the County Administrator and have a monthly report given to the Board each month. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Kendrick suggested that the transition plan be discussed with the Chamber, etc. and the County take this over as soon as possible.

After a brief discussion, Mr. Kendrick made a motion seconded by Mr. Carwile to adopt the FY04 Budget as amended. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

2. **Planning Commission Recommendations:** The Planning Commission has made its recommendation concerning Petition #03-520 – Janet F. Moore.

Mr. Moore made a motion seconded by Mr. Kendrick to **approve Petition #03-520 – Janet F. Moore** for a conditional use permit for sale and display of prefabricated accessory buildings at an existing business in the B-1 District per

§170-37(A)(1) of the Appomattox County Zoning Ordinance. Property is located at the corner of U.S. 460 West and Rt.613, Tax Map #63(A)3 and 4. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **Zoning Ordinance Amendment – Mobile Homes as Accessory Buildings:** The Planning Commission has submitted its recommendation concerning the proposed amendment to §170-82 Accessory and Temporary Buildings. The Planning Commission has also offered to meet with the Board to discuss this issue should the Board have any concerns.

Mr. Carwile stated this proposed amendment has been before the Board on several occasions and it appears that the Planning Commission is not listening to what the Board is saying regarding these changes. The Board has no quarrel with these being in A-1 and B-1. This present recommendation is just short of being dogmatic with the Board as to what they want to do. He feels we should protect the people who are in R-1, R-2 and V-1, but he feels they should be allowed in the rural and agricultural areas. We are just stepping on citizens toes and getting too much government on the people and he cannot and will not support this ordinance.

The Board by consensus agreed to set up a meeting with the Planning Commission on June 16, 2003.

4. **Courthouse/Refinancing Resolution:** Counsel had prepared the resolution regarding the financing of the courthouse and refinancing of the 1998 IDA bond for consideration and adoption.

Mr. Carroll stated there were two (2) changes to be made in the wording to this resolution as presented: page 1, article (e) "Wells Fargo" should be changed to "SunTrust" and page 2, item 3, amount not to exceed "\$5,290,000" should read "\$5,288,000". These changes are both advantageous to the County.

Mr. Kendrick made a motion seconded by Mr. Carwile to adopt the resolution as presented with amendments. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes).

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF APPOMATTOX, VIRGINIA

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Appomattox, Virginia (the "County") on May 15, 2003 adopted its resolution (the "Authorizing Resolution") to request the Industrial Development Authority of the County of Appomattox, Virginia (the "Authority") to issue, offer and sell its lease revenue note or bond to finance the acquisition, design, construction and equipping of the Courthouse Project (defined in the Authorizing Resolution) and to issue, offer and sell its lease revenue note or bond to refund the outstanding amount of the Authority's Capital Improvements Lease Revenue Bonds, Series 1998 (the "1998 Bonds"), the proceeds of which 1998 Bonds were utilized to finance various capital

projects for the County (**the "1998 Projects"**), to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**), and the Authority has agreed to do so; and

WHEREAS, there have been presented to this meeting substantially final drafts of the following documents (**collectively, the "Documents"**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- (a) a Ground Lease, dated as of June 1, 2003, between the County and the Authority (i) conveying to the Authority a leasehold interest in the real estate on which the Courthouse Project is to be constructed; and (ii) re-conveying to the Authority a leasehold interest in the real estate on which the 1998 Projects are located (**the "Ground Lease"**);
- (b) a Lease Agreement, dated as of June 1, 2003, between the Authority and the County conveying to the County a leasehold interest in the Courthouse Project and re-conveying to the County a leasehold interest in the 1998 Projects (**the "Lease Agreement"**);
- (c) a Note Purchase Agreement, dated as of June 1, 2003 among the Authority, the County and Central National Bank (**the "Bank"**), pursuant to which the Notes (as defined below) are to be issued (**the "Note Purchase Agreement"**);
- (d) an Assignment Agreement, dated as of June 1, 2003 between the Authority and the Bank, assigning to the Bank certain of the Authority's rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and consented to by the County (**the "Assignment Agreement"**); and
- (e) an Escrow Agreement between the Authority and Sun Trust Bank, as Escrow Agent, dated as of June 1, 2003, wherein the proceeds from the 2003 B Note (as defined below) will be used to advance refund the 1998 Bonds, which is to be acknowledged and approved by the County (**the "Escrow Agreement"**).

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF APPOMATTOX, VIRGINIA:**

1. The Chairman or Vice Chairman, either of whom may act, and the County Administrator are each hereby authorized and directed to execute and deliver, and to acknowledge, consent to and approve as appropriate, the Documents. The County Administrator is hereby authorized to cause any of such Documents to be recorded in the Clerk's Office of the Circuit Court of the County.
2. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
3. The Chairman or Vice Chairman, the County Administrator and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, Bond Counsel, and the Bank to prepare and execute all documentation and certifications necessary or appropriate for the Authority to issue and deliver its public facility lease revenue note, Series 2003A, in an amount not to exceed \$5,288,000 (**the "2003A Note"**) and the Authority's public facility

lease revenue refunding note, Series 2003B, in an amount not to exceed \$2,585,000 (the "2003B Note") (the 2003A Note and the 2003B Note are hereinafter referred to jointly as the "Notes").

4. Except as supplemented and modified by this Resolution, the Authorizing Resolution is hereby ratified, adopted and approved in its entirety.
5. All other acts of the Chairman or Vice Chairman, the County Administrator and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Notes, the undertaking of the Courthouse Project and the advance refunding of the 1998 Bonds are hereby ratified, adopted and approved.
6. This resolution shall take effect immediately.

The members of the Board of Supervisors voted as follows:

Yes

No

Mr. Carter
Mr. Kendrick
Mr. Moore
Mr. Carwile
Mr. Hancock

Absent

Abstained

None

None

Adopted: June 2, 2003

Chairman, Board of Supervisors
of Appomattox County, Virginia

Attested to:

Clerk, Board of Supervisors
of Appomattox County, Virginia

5. **E-911 Structure Number Signage:** The Public Safety Committee has submitted its recommendation that the County assume the cost to manufacture and initially install structure number signage as part of the E911 implementation project. The County's E-911 tax may be used for the cost of these signs. If adopted the structure number criteria would apply only to the County, the Towns of Appomattox and Pamplin would be responsible for establishing their own criteria.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the recommended criteria and use of E-911 tax funds for the E-911 Structure Number Signage as a part of the E911 implementation project. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for consideration of the **Consent Agenda: (items 6-13)**
Mr. Carroll stated there were two (2) changes to the Consent Agenda.

Item 8 – Ball Park: There were two bills submitted for the work performed at the Ball Park. One for the transportation and one for the soil. Since we have already paid the soil bill, they will waive the transportation cost. Therefore, this item can be removed from the Consent Agenda.

Also Stonewall Vineyards normally has several “Summer Cooler Festivals” and they failed to get their permit request in for the first one to be held on June 14th from 5:30 p.m. to 8:00 p.m. Since there will not be a Board meeting between now and the date of this event, Mr. Carroll asked that the Board add this to the Consent Agenda contingent upon their paying the festival permit fee.

6. **Approval of Bills:** Please approve bills as presented.
7. **Approval of Minutes:** Please approve minutes of Regular meeting of 4-21-03; Budget Workshop of 4-28-03; and Regular meeting of 5-5-03.

FUND TRANSFERS:

8. **Ball Park:** Please approve the transfer of \$62.50 from the Ball Park Fund to the general revenue fund and supplement 7102-3002 Professional Services for fill material for the ballpark.
9. **Sports Complex:** Please approve the transfer of \$274.98 from the Sports Complex Fund to the general revenue fund and supplement 7101-3002 Professional Services for materials used at the sports complex.

LINE ITEM TRANSFERS:

10. **Treasurer:** Please approve the following transfers:

From; 1213-5415 Tax Tickets	\$3,093.52
1213-7002 Furniture/Fixtures	\$ 542.66
To: 1213-3010 Data Processing	\$1,367.66
1213-5504 Travel/Conv. & Ed.	\$ 734.61
1213-5401 Office Supplies	\$ 991.25
1213-5501 Mileage	\$ 542.66

11. **Medical Examiner:** Please approve transfer of \$150.00 from 1101-5804 Operating Reserve to 3503-3001 Professional Health Services.

SUPPLEMENTAL APPROPRIATIONS:

12. **Sheriff's Department:** Please approve supplemental appropriations as requested: 3102-5408 Vehicle Power Equipment \$3,737.05
13. **School Board – ACTIONS Committee:** Please approve supplemental appropriation to the Athletic Fund in the amount of \$27,175.00 for resurfacing the track at the high school.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the Consent Agenda as modified. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next reviewed the **INFORMATIONAL ITEMS: (items 14-16)**

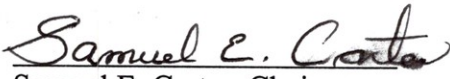
14. **Landfill Inspection Report:** Inspection for April 16, 2003 inspection.
15. **Appomattox Town Council Agenda:** Town Council Agenda for meeting on May 27, 2003.
16. **Supervisors Concerns:**
Mr. Carter called for Supervisors Concerns. No one had any concerns to discuss at this time.

Mr. Carter next reminded the Board of its upcoming meetings:

Monday, June 16, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, July 7, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Being no further business, Mr. Kendrick made a motion seconded by Mr. Carwile to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, June 16, 2003 the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held its regularly scheduled meeting and public hearing in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors:

Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
Brandon Stidham – County Planner
Dan Siegel - Sands, Anderson, Marks & Miller
(via phone – closed session)

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Hancock to deliver the invocation.

Mr. Carter next opened the floor for **Citizen Public Comments:** This time is provided to allow citizens to address issues that are of importance or concern to the citizens of Appomattox.

Mr. Ronald Spiggle, Mayor of the Town of Appomattox, addresses the Board:

Mr. Spiggle pleads with the Board to reconsider the establishment of another Visitor's Center. We already have one, which is State accredited. He feels that two visitor centers will not send a very good message to visitors. He also feels we should have given the Chamber of Commerce a hands up instead of a hands down. They have done a lot of work on a shoestring budget. None of us really realize how much it cost to do what they have been doing. He feels the Town and County need to sit down and talk eyeball to eyeball and do something for the people of Appomattox. All the facts, figures and issues need to be laid out on the table and discussed. We need to know if the problem is egos, personalities or whatever else may be in the way of making this tourism effort work.

It is time we quit reading about what is going on in the newspapers and the Town Council and the Board of Supervisors sit down and talk and send the right message out to all the people, not just the Town and not just the County.

Mr. Rich Guild next addressed the Board:

Mr. Guild stated he has talked to a lot of people in the last couple of days including Bill Slagle from the IDA, Garnet Mills from the CEDS Committee,

Debbie Powell's group and a number of the towns people, everyone saying the same thing, we need to sit down together and get one tourism plan jointly funded. He seconds the Mayors' sentiment that we need to sit down and talk. We only need one Visitor's Center and one tourism group, jointly supported by the Town and County. He would love to have a date agreed upon tonight.

Mr. Carter closed the Public Comment session and move to the **Administrative Items (items 1-3)** on the Agenda:

1. **VDOT Resolution:** VDOT has prepared the necessary resolution to place two (2) roads serving Canon Oaks subdivision (Courtland Drive and Crosstie Road) into the state secondary road system.

Mr. Moore made a motion seconded by Mr. Kendrick to adopt the following resolution as written.

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the street description below and on the attached addition form SR-5(A) to the Appomattox County Secondary Road System for maintenance. The following subdivision road which has been constructed by the sub-divider as a Class "A" subdivision in accordance with the requirement of Section 33.1-229, of the Code of Virginia, 1952, and the Virginia Department of Transportation's Subdivision Street Requirements, 1996, **TO WIT:**

CANNON OAKS SUBDIVISION

Courtland Drive, Route 1124 – Beginning at a point on Route 1008, 0.12 mile south of Route 1125, extending 0.37 mile north to cul-de-sac.

Total Length - 0.37 mile

Right of Way – 50 feet

Crosstie Road, Route 1125 – Beginning at a point on Route 1008, 0.17 mile south of Route 691, extending 0.39 mile north to cul-de-sac.

Total Length – 0.39 mile

Right of Way – 50 feet

BE IT FURTHER, RESOLVED, that this Board does guarantee a minimum unrestricted fifty (50) foot right of way with additional widths as may be necessary for cuts, fills and drainage, together with easements on adjoining properties.

Recorded in Plat Book 158, Page 16, on November 7, 2001, in the Appomattox County Clerk's Office.

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

2. **National Park Service Memorandum of Understanding:** We have received a draft Memorandum of Understanding (MOU) between the National Park service and Appomattox County. The purpose of this MOU is to formalize the involvement of the County as a partner in the development of the Environment Impact Statement and the General Management Plan currently under development by the Park Service relating to A.C.H.N.H.P.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore to authorize the County Administrator to sign this Memorandum of Understanding. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **E-911 Project** – We have received a proposed change order to the E-911 project. The change order addresses implementation delays that the project is currently experiencing. The state has experienced delays getting the necessary road centerline data to the County's consultant (TIMMONS). The cost of this change order is \$1,000 and would decrease the implementation process

Staff recommends that the Board approve the change order in the amount of \$1,000 to speed up the E-911 implementation process and authorize the County Administrator to execute the change order.

There was some question about the State experiencing delays.

Mr. Carroll stated that the State is providing the centerline data for all the roads in the County. We have digital ortho-photography provided by the State. They are in the process of overlaying the centerlines over the ortho-photography. The concern is, if the centerline data is not correct, and the addressing is done, the road may end up being up to one-half mile longer or shorter than it is actually. Therefore, all the addresses may be incorrect and have to be restructured. TIMMONS is proposing that for an additional \$1,000 they would begin identifying structures/private roads now as opposed to waiting for the centerline information to be corrected. We have also been granted an extension until November, 2004.

There was a lengthy discussion regarding whether or not the spending of this money would be worth the eight weeks saved because we could run into another delay further down the road.

The Board by consensus decided not to approve the Change Order.

Mr. Carter next called for the **Agenda Items: (items 4-13)**

4. **Approval of Bills:** Approve bills as presented.

FUND TRANSFER:

5. **ACTIONS Committee:** Please approve the transfer of \$22,450 from the Athletic fund to the General Revenue Account for the following expenses paid by the County in advance of the sale of the property.
- | | | |
|----|-------------------------------------|----------|
| 1) | Jester & Jester – easement | \$4,000 |
| 2) | Survey of Property – Bill Dickerson | \$2,500 |
| 3) | Lights at Baseball field | \$14,700 |
| 4) | Jester & Jester – expenses | \$1,250 |

LINE ITEM TRANSFERS:

6. **Treasurer:** Please approve the transfer of \$125.00 from 1213-5203 Telephone to 1213-3005 – Maintenance Service Contract.
7. **Library:** Please approve the transfer of \$265.85 from 7301-5840 – Special Library fund to 7301-5101 – Electrical Services.

SUPPLEMENTAL APPROPRIATIONS:

8. **Recreation:** Please approve supplemental appropriation as follows
7102-5414 – Park Tickets \$8,256.00.
9. **Electoral Board:** Please approve supplemental appropriation to reflect amount spent to upgrade voting precinct accessibility as approve on September 3, 2002:
1301-7009 - Precinct Accessibility \$7,174.15
10. **Detention Center:** Please approve supplemental appropriation for fees associated with the detention center:
2109 – 3009 – Purchased Services \$5,142.00
11. **School:** Please approve supplemental appropriation of \$692.82 to the School for Retiree and COBRA subscriber's premium payments.
12. **Temporary Courthouse:** Please approve supplemental appropriation of \$49.42 for utilities fees associated with the use of the temporary courthouse.
13. **Library:** Please approve supplemental appropriation of \$740.88 to 7301-5411 – Books for funds received from book replacement fees, donations and book sales.

Mr. Hancock made a motion seconded by Mr. Moore to approve the **Consent Agenda** as presented: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (5 aye votes)

Mr. Carter next discussed the **INFORMATIONAL ITEMS: (items 14-15)**

14. **Appomattox Town Council Agenda:** Town Council Agenda for May 27, 2003.
15. **Supervisors Concerns:** No one had any concerns at this time.

At 6:50 p.m. Mr. Carter called for a short recess.

At 7:03 p.m. Mr. Carter reopened the meeting.

The Board has requested the Planning Commission to attend the meeting to discuss the Mobile Home – Accessory Building Ordinance.

PRESENT: (Planning Commission)

Steve Conner
Jerry Hughes
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson
Susan Hudson

ABSENT: (Planning Commission)

Kevin O'Brien
Al Sears
Calvin Tanner

The Planning Commission has unanimously voted to adhere to their recommendation that mobile homes be prohibited for use as accessory building in all zoning districts. The text of the proposed amendment recommended for adoption is as follows:

Amendment to Article XV, Special Provisions for Certain Uses:

§170-82. Accessory and temporary buildings.

B. Special restrictions.

(6) Mobile and manufactured homes shall not be used as accessory buildings in any district.

Mr. Carwile stated this is the third time the Planning Commission has made this recommendation. Clearly they are not listening to what the Board has to say regarding this issue. The Board has to answer to the people and this is too restrictive. The first time the amendment was presented it was pretty much correct in that it would not be permitted in the Residential 1, Residential 2, and the Village Districts. This the Board could understand. Prohibiting this use in the Agriculture and Business district is something he cannot and will not support.

Mr. Jerry Hughes feels that the citizens of the County would benefit from the not passing of this ordinance. Not passing the proposed ordinance would benefit a small portion of people at the expense of the majority. If you took a survey of the

citizens, you would find they would not want a trailer next to their property. This is the reason the Planning Commission has voted the way they did. He feels the citizens need some protection against trailers moved in next to property owners.

Mr. Moore was thinking in terms of farms. He can understand not having them located in R-1, R-2 and Village where they would be close to other homes or highways. He cannot understand the restriction in A-1 where they would be "out of sight". He knows of several instances where old "school buses" are being use as housing for feed, etc.

Mr. Kendrick stated the word "accessory" implies that it is close to or in the proximity to where some one might live or work. In talking with some of the Planning Commission, they believe that it is nearly impossible to regulate this "out of sight" concept. We have to be concerned about the way they look and how they devalue tax base. We already have a number of "truck trailers" located in the County, especially along the 460 corridor. At a time when we are trying to promote tourism as a viable tax revenue for the County, these will eventually become a eyesore and we must sooner or later take a stand about the way they look. He is in support of the Planning Commission's recommendation and that what the Board is asking is too vague and unenforceable.

Mr. Carwile responded by saying that if we have something that we cannot regulate with the expertise and knowledge we have on the Planning Commission and the Board of Supervisors without putting a hardship on the people, then we should not do it. However, these mobile homes are titled with the DMV. Is there a Code section that allows the Planning Commission to regulate something that is licensed by the DMV?

There was some discussion regarding the possibility of it being cheaper to build an accessory building than the cost of moving a mobile home, which after being stripped have a tendency to fall apart due to the fact they do not have the proper support structures. Also what may be "out of sight" today, may not be "out of sight" tomorrow.

Mr. Carter thanked the Planning Commission for attending the meeting and stated there were possibly two options: 1) Do nothing or; 2) Adopt this recommendation and hold a public hearing.

Mr. Kendrick made a motion to adopt the Ordinance as written by the Planning Commission. The motion died for lack of a second.

Mr. Carter added that this issue should be studied in depth and presented at the July 7th meeting.

Mr. Carter next called Mr. Bill Gillespie, Executive Director - Region 2000 Regional Commission to present the Regional Health Insurance program to the

Board for consideration and discussion. The School Board and Appomattox Town Council were invited to attend and participate in this presentation.

PRESENT: (Appomattox Town Council)

Jimmy Mayberry
Marvin Mitchell
Lewis McDearmon
Joyce Bennett
Steve Lawson

ABSENT: (Appomattox Town Council)

Ronald Spiggle – Mayor
Walter Carson

PRESENT: (Appomattox County School Board)

Earl Pickett
Amy Martin
Clifford Rhodenizer
R. W. Mitchell

ABSENT: (Appomattox County School Board)

Lannis Selz

ALSO PRESENT:

Dr. Walter Krug – Superintendent, Appomattox County Schools
Billy Perrow – School Administration
David Garrett – Town Manager

Mr. Gillespie apologized for Ms. Quenell of Marsh not being present, but she is expecting and also has a kidney stone and is in bed.

Mr. Gillespie began by thanking the Group for agreeing to do this together. He also wanted to thank Mr. Carroll, and Mr. Perrow for their help in putting this presentation together.

Mr. Gillespie began by stating we normally look at this on an annual basis. However, you cannot deal with this on an annual basis, you need to have a three to five year outlook. One of the things this larger group gives us is looking at what your trends are doing and looking at what your claims are coming from. You then try to mold your plan to match your claims. You then can offer your people more assistance in the area of chronic problems that continually get worse. These are the type of things we are really trying to focus on. This larger pool will give the provider more information so we can begin to see where those trends are. The other things was to improve competition. We have brought another provider, Cigna, into the area and this is a nationally known provider who is very much interested in coming into this area. We have two providers, Anthem and

Piedmont. The central Virginia area is the only area in the Commonwealth that has two providers. Everyone else has at least three and some even more.

We want to provide strategies that will allow the consumers to manage their health services and one of the things we have done is provided five (5) different plans to select from HMO's and CPO's. We also knew there would be some resistance to a new player and some would say that the change was not worth the hassle and pain. The present trend is for increases to occur in the next two to three years. We also wanted to have some type of rate stabilization. In the rates we have quoted you there is a reserve of about 5.1 million for the larger group. However, there is a reserve built in regardless of the size of the group. The costs would be neutral and competitive. This is a self-insured type of program, so we can do whatever we want to, which you cannot do with the existing plan. The Regional Commission would house all the data, act as the contract manager, maintain the reserve liability, premiums would remain current at 30 days, and they would retain the exclusive right to solicit coverage. There is a five (5) year participation. You cannot continue to look at health insurance on an annual basis. There will be one member from each organization to make up the Executive Committee and there will be one member, one vote regardless of how large or how small the group. The Executive Committee will make all the decisions.

Mr. Gillespie gave a brief statement regarding Cigna. The medical and prescription are separate and not lumped together. There is no referral process, you see the physician of your own choice. Cigna requests only that you notify them if you see a physician out of state. The dental provider is Delta-Dental which has been around for a long time.

Some of the small groups, 100 to 150 or less are grouped together whereas some of the larger groups are not.

After a short questions and answer period, Mr. Carter thanked and excused Mr. Gillespie.

At 7:50 p.m. Mr. Carter called for a five (5) minute recess.

At 8:03 p.m. Mr. Carter reopened the meeting and stated that a closed session was necessary in accordance with §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion of a personnel matter and §2.2-3711(A) (7) consultation with legal counsel, via telephone, and briefings by staff members regarding pending litigation and a potential claim.

Mr. Carwile made a motion seconded by Mr. Moore to enter into closed session in accordance with §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion of a personnel matter and §2.2-3711(A) (7) consultation with legal counsel, via telephone, and briefings by staff members regarding pending

litigation and a potential claim. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 9:12 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then read the following Certifying Motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711(A)(1) – of the Code of Virginia, for the purpose of discussion of personnel matters and §2.2-3711(A) (7) - consultation with legal counsel, via telephone, and briefings by staff members regarding pending litigation and a potential claim.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter asked if there was in action to be taken as a result of the closed session.

Mr. Kendrick stated that what the County is looking at will in no way demean, take away or circumvent the efforts of what the Town is doing right now. In fact, we are very much in support of what they are doing and very much in support of them keeping the visitor's center open. What we want to do is simply enhance their efforts. It is a little contrary to what people may be thinking. What we are trying to do with tourism, is to take it to another level. The effort we put forth will simply aid them and direct them. That is what we have in mind. We do not want the public to think we are not going to work with the other groups. In the coming months we will put a program together that will draw those who are interested in promoting tourism to work together and we will see this thing become a reality. We want the Town, the Chamber, the Historical Society and all others who are presently working together to continue working together. We are very strongly in support of this. What he is proposing is that we restructure our Parks and Recreation Organization to also include tourism.

Mr. Kendrick made a motion seconded by Mr. Moore to restructure Parks and Recreation to include Tourism. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

Mr. Kendrick made another motion that in order to relieve the person being placed in the Tourism position with some of her present duties, that the County

hire an Office Assistant in the Parks/Recreation/Tourism Department. Mr. Carwile seconded this motion. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

At 9:20 p.m. Mr. Moore made a motion seconded by Mr. Carwile to enter into a closed session as per §2.2-3711(A) (1) of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-3711(A) (7) consultation with legal counsel, via telephone. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

At 9:30 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

Mr. Carter read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711(A)(1) – of the Code of Virginia, for the purpose of discussion of personnel matters and §2.2-3711(A) (7) - consultation with legal counsel, via telephone, and briefings by staff members regarding pending litigation and a potential claim.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter asked if there was any action to be taken as a result of the closed session.

Mr. Carter stated that with the literature received from Counsel in regards to the budget item concerning Driver's Education and as one of the prevailing parties that voted for this, he would like to place the following motion on the floor for consideration.

Mr. Carter made a motion seconded by Mr. Moore to rescind the stipulation of the \$100,000 being withheld from the School Budget for drivers education purposes, knowing that the citizens are behind the Drivers Education Program but that this is the wrong body to make that motion. VOTE: Mr. Carwile nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (3 aye votes – 1 nay)

Mr. Carwile stated he stands firm on the original motion. We are presently not under any pressure from the School Board on this issue and have plenty of time to rescind this motion at a later date.

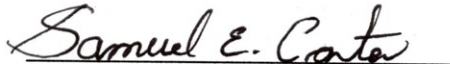
Mr. Carroll was instructed to notify the School Board of the decision and the Board of Supervisors strong desire/recommendation regarding the Driver's Education Program.

Mr. Carter reminded the Board of upcoming meetings:

Monday, July 7, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, July 21, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

At 10:15 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to adjourn.
VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, July 7, 2003 the Appomattox County Board of Supervisors held it's regularly scheduled meeting in the Council Chambers at the Appomattox Town Hall, located on Linden Street, Appomattox, Va.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Frank H. Carwile – Wreck Island District
Jerry G. Kendrick – Appomattox River District
Russell H. Moore – Piney Mountain District

ABSENT:

Jesse L. Hancock – Falling River District

ALSO PRESENT:

Andy Carroll – County Administrator

At 6:35 p.m. Mr. Carter opened the meeting, welcomed everyone present and asked Mr. Moore to deliver the invocation.

Mr. Carter then opened the floor for **Citizen Public Comments:**

Tucker Watkins, on the staff of U. S. Senator George Allen came forward. Mr. Watkins complimented the County Staff for the way they have represented the County on the

Tobacco Indemnification Commission. They have done an excellent job advocating for Appomattox County. Mr. Watkins thanked the County for their work on this project.

Mr. Carter asked if anyone else wished to speak. No one else came forward.

Mr. Carter called for the next item on the Agenda.

Ms. Barbara Williams, Clerk of the Court and Mr. Hal Craddock, Craddock-Cunningham Architectural Partners had requested permission to address the Board concerning the courthouse project.

Ms. Williams stated she was representing the Courthouse Committee. (Mr. Craddock was not present but had written his comments to the Board). The Courthouse Committee has met and is in the process of building a new building which is approximately 6-1/2 feet from the present building. We realize the two buildings are not to be connected based on the court order. The Courthouse Committee would like to pursue this a little more and see if they can get these two buildings connected. If this is to be done, there is no better time than now. If we can connect the two, it will save us money down the road.

Ms. Williams has prepared a list of recommendations the Committee would like to pursue regarding repairs to the current Courthouse as part of an attachment to the new Courthouse. These include: a new roof, removal of the brick pavers, leveling the porch and replacing the brick pavers. They also recommend removing the aluminum crown from the cornices and windows, repair and repaint. The cupola also needs some repairs. They would like to replace all the shutters to match the new building and repair the stone column bases on the porch. Also the front side walk needs to be raised to reduce the 4 inch rise on the bottom step. Also any other repairs or replacements the Board wishes to add to this list to be presented for the judge's approval.

Ms. Williams is asking the Board to make a motion to have these additions submitted to the judge for approval and to amend the Court's order.

Ms. Williams also presented plans that would connect the two buildings. They would connect by glass on either side and change the public entrance slightly. It would have a two story effect and allow handicap access to both buildings via elevator. There may be a few security issues but the Committee feels they can be overcome. The current building would be excellent for Board meetings, with rooms on either side for closed sessions, and other meetings.

Estimated costs for these recommended changes would be approximately \$160,000 to \$170,000.

After some discussion regarding the old jail, some upgrading of the interior of the old building, Mr. Kendrick made a motion seconded by Mr. Carwile to repair the seven (7) items suggested by the Courthouse Committee: 1) Install new roof; 2) Remove brick pavers on front porch, pour new concrete sub-floor and re-lay brick pavers; 3) Remove

all aluminum trim from existing windows and cornices. Repair and Paint existing wood trim and cornices; 4) Repair Cupola; 5) Replace all Shutters to match new building; 6) Repair stone column base; 7) Replace part of front walk to eliminate 4" riser at bottom step. In addition, remove the raised floor, paint, replace lighting and make repairs to the Old Jail. Also to present a petition to the judge for these changes to the Court Order. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye, and Mr. Carter, aye. (4 aye votes, 1 absent)

Ms. Williams thanked the Board for their time and cooperation.

Mr. Carter next called **Mr. Wayne Phelps, President – Historical Society** to address the Board in regards to the reenactment sponsored by the Chamber of Commerce and scheduled for September.

Mr. Phelps stated he had already started work on the inside of the Old Jail.

Mr. Phelps distributed some information regarding the history of the Virginia Militia.

The reenactment is in a little trouble. They need \$8,000 by the end of the month in order to proceed with this; otherwise they may have to abandon these plans.

Mr. Kenny Rollet, a history teacher at Lynchburg College has taken over the planning for the reenactment. They have between 700 -800 soldiers already signed up, but would like to see around 1200, which is possible.

They have set up an account with the Farmers Bank, headed up by Ms. Penny Taylor to handle all the financial obligations of the reenactment. Mr. Phelps is requesting a \$5,000 donation from the Board. The Chamber of Commerce was supposed to raise these funds but did not do so.

Also the Sons of the Confederate Veterans, the United Daughters of Confederacy, and the Historical Society support the Board's plans for tourism and the appointment of Ms. Anne Dixon as Tourism Director.

Mr. Phelps thanks the Board for their consideration.

Mr. Carwile made a motion seconded by Mr. Kendrick to fund the \$5,000 necessary to continue plans for the reenactment. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called for the **ADMINISTRATIVE ITEMS: (Items 1 – 5)**

1. **FY04 Budget Appropriation Resolution:** Resolution necessary to appropriate fund for FY04.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the following resolution:

COUNTY OF APPOMATTOX
APPROPRIATION RESOLUTION
FISCAL YEAR 2004

BE IT RESOLVED that the Board of Supervisors of Appomattox County,
Virginia, hereby appropriates for the Fiscal Year commencing July 1, 2003
and ending June 30, 2004, from the funds, for the functions, and
in the amounts indicated herein:

I. General Fund

	1101	Board of Supervisors	317,876.00
1201		County Administrator	268,709.00
1204		County Attorney	35,000.00
1206		Independent Auditor	30,000.00
1209		Commissioner of Revenue	246,694.00
1210		Assessor/Reassessor	0.00
1211		Board of Equalization	0.00
1213		Treasurer	204,805.00
1301		Electoral Board/Officials	25,296.00
1302		Registrar	61,522.00
2101		Circuit Court	15,125.00
2102		General District Court	3,232.00
2105		Juvenile/Domestic Relations Court	4,312.00
2106		Clerk of Circuit Court	202,649.00
2107		Sheriff(Civil Server)	51,927.00
2109		Court Services Unit	46,532.00
2130		Magistrate	1,300.00
2201		Commonwealth Attorney	172,752.00
2220		Witness Advocate Grant	21,885.00
3102		Sheriff	1,485,209.00
3103		Sheriff (Town Police)	80,000.00
3104		Sheriff/Grant	70,017.00
3106		DARE	10,212.00
3203		Volunteer Fire Departments	101,033.00
3203		Volunteer Rescue Squads	40,550.00
3204		Forestry Service	7,124.00
3301		Sheriff/Jail	166,506.00
3401		Office of Building and Housing	65,404.00
3501		Animal Control	68,841.00
3503		Medical Examiner	500
3605		Emergency Services	4,450.00
3606		E-911	168,181.00
4101		Road Viewers	125
4203		Refuse Collection	135,290.00
4204		Refuse Disposal	475,395.00
4206		Litter Grant	7,500.00
4207		Recycling	30,321.00
4208		Tire Security	20,787.00
4302		General Properties	206,751.00

5101	Local Health Department	100,157.00
5105	Central Va Commission on Aging	5,600.00
5202	Central Va Community Services	32,716.00
5301	Social Services	4,908.00
5302	State Local Hospitalization	4,379.00
5309	Courthouse	4,000,000.00
5310	Comprehensive Services	116,000.00
6401	Central Virginia Community College	381.00
7102	Parks & Recreation Department	130,891.00
7104	Community Center	0.00
7109	Contributions	17,250.00
7301	Public Library	133,800.00
8101	Planning (CVPDC)	6,942.00
8103	Debt Service	269,787.00
8104	Zoning	62,563.00
8105	Economic Development	56,150.00
8106	Chamber of Commerce	0.00
8111	Board of Zoning Appeals	600.00
8112	Planning Commission	10,000.00
8203	Robert E. Lee Soil and Water Conservation	10,000.00
8303	Extension Services	42,394.00
II. Capital Improvement Fund (Uncommitted)		380,000.00
III. Virginia Public Assistance Fund		1,153,138.00
IV. School Operating Fund		16,355,122.00
School Cafeteria Fund		801,535.00
School CIP fund		0.00
School Special Project Funds		0.00

BE IT FURTHER RESOLVED, that the County Treasurer be, and is hereby, authorized to transfer from the General Revenue Funds pursuant to this Resolution, as monies become available, and from time to time to meet the expenditures for amounts appropriated sums equal to, but not in excess of, the appropriations indicated for transfer, as Transfer to Schools (Operation) and Transfer to Department of Social Services for the period covered by this Appropriation Resolution. Other inter-fund transfers shall be in accordance with the direction of the Board of Supervisors.

Adopted: 2-Jun-02

Darrell A. Carroll Jr.
County Administrator

VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. **Regional Health Insurance:** Mr. Bill Gillespie, Director of the Regional Commission made a presentation on June 16, 2003 regarding regional health insurance program. We have received renewal rates for Anthem and also the plan design elements comparison. Staff recommends participation in the regional

health insurance program with the condition that the program is ready for the new coverage year.

Mr. Carroll explained the differences between the two plans as presented.

After a brief question and answer period with Mr. Gillespie, Mr. Kendrick made a motion seconded by Mr. Carwile to adopt the Regional Health Insurance program contingent upon it being ready for the new plan year (October 1). VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes 1 absent).

3. **Planning Commission Recommendations: Petition 03-519 of Warren E. & Elaine Guill** – Conditional use permit to establish a private cemetery in the R-1 District per §170-37(A)(1) of the Appomattox County Zoning Ordinance. Property is located on Route 660 between Rt. 26 and Rt. 661, tax map #38(1)3.

The Planning Commission motion recommending approval of this petition with condition that the petitioner record a Deed of Easement to identify the location of the family cemetery failed for lack of a majority vote. The Planning Commission agreed to send the petition to the Board for consideration.

Mr. Carwile stated that the Planning Commission's actions do not stop this Board from moving forward. However, he strongly feels the petitioners should have this Deed of Easement recorded.

Mr. Carwile made a motion that **Petition #03-519 of Warren E. & Elaine Guill** requesting a conditional use permit to establish a private cemetery in the R-1 District per §170-37(A) (1) of the Appomattox County Zoning Ordinance be approved with the condition that the petitioner record a Deed of Easement to identify the location of the family cemetery with the Clerk of the Circuit Court. Mr. Moore seconded the motion. VOTE: Mr. Carwile, aye, Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

4. **Mobile Home Ordinance:** At the June 16th meeting the Planning Commission and the Board of Supervisors discussed the proposed ordinance affecting mobile homes usage as an accessory building within the County. No action was taken at that time. Staff recommends that the Board give consideration to the proposed ordinance as submitted. If not acceptable, please give specific and detailed alterations to the draft for incorporation into the ordinance.

Mr. Carwile maintains he cannot support this ordinance as presented. He can see restrictions in R-1, R-2 and V-1 but thinks they should be allowed in A-1 and business districts. This is too harsh on the people. Very few of these would be seen by the traveling public.

Mr. Kendrick supported the Planning Commission's recommendations at the last two meetings. He doesn't see the County doing anything to protect the citizens. The

Planning Commission is made up of citizens; they feel very strong regarding this position.

After a lengthy discussion, Mr. Kendrick made a motion seconded by Mr. Carter to accept the ordinance as written and submitted by the Planning Commission.

Amendment to Article XV, Special Provisions for Certain Uses

§170-82. Accessory and temporary buildings

B. Special restrictions.

(6) *Mobile and manufactured homes shall not be used as accessory buildings in any district.*

ROLL CALL VOTE: Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye (3 aye votes, 1 nay vote and 1 absent).

At 7:42 p.m. Mr. Carter called for a short recess.

At 7:49 p.m. Mr. Carter reopened the meeting.

5. **Meetings with Appomattox Town Council:** Mayor Spiggle met with the Board on June 16th and requested that the Board set a date to meet with the Town Council to discuss tourism issues.

There was a discussion regarding what we would like to see on the agenda, the Town's issues and recommendations to alleviate their concerns. We would very much like to have the cooperation of all concerned. Consensus was to have concerns by July 21st meeting and then set a date for a meeting.

Mr. Carter next called for the **Consent Agenda: (Items 6 - 12)**

6. **Approval of Bills:** Approve bills as presented for payment.
7. **Approval of Minutes:** Approve minutes of Recessed meeting on May 15, 2003; Regular meeting of May 19, 2003; Regular meeting of June 2, 2003 and Regular meeting and Public Hearing of June 16, 2003.

There were two corrections to the minutes: pg. 22 – 5th para. “e” to “r” and
pg. 26 – 6th para “and” to “in”.

BOARD ACTIONS:

8. **Festival Permit:** Stonewall Vineyards has requested to hold Summer Cooler II & III. The Vineyard failed to get the permit request in before the Board meeting. The Chair was contacted and permission was granted to hold this event on June 28th under the normal circumstances that the Board authorizes these events. The Vineyard has been provided a list of Board meeting dates so they can submit their requests prior to the meeting dates. No future requests will be approved outside of these guidelines.

FUND TRANSFERS:

9. **Comprehensive Services Act:** Please approve transfer of \$2,500 from the CSA Administrative fund to the General Fund for contracted CSA Coordinator Services.

SUPPLEMENTAL APPROPRIATIONS:

- | | | | |
|-------------------------------------|--|-------------------------------------|-------------|
| 10. | <p>Sheriff's Department: Please approve the following supplemental appropriations as requested:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">3106-5401 - DARE – Office supplies</td> <td style="width: 30%; text-align: right;">\$100.00</td> </tr> </table> | 3106-5401 - DARE – Office supplies | \$100.00 |
| 3106-5401 - DARE – Office supplies | \$100.00 | | |
| 11. | <p>General Properties: Please approve the following supplemental appropriation to reflect payment from Cincinnati Insurance for replacement of HVAC unit damaged by lighting:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">4302-3002 Professional Services</td> <td style="width: 30%; text-align: right;">\$3,080.95</td> </tr> </table> | 4302-3002 Professional Services | \$3,080.95 |
| 4302-3002 Professional Services | \$3,080.95 | | |
| 12. | <p>School Board: Please approve supplemental appropriations that reflect the inclusion of the state's portion of the 2.25% raise for teachers in the coming year. This figure was inadvertently left out of both the revenue and expenditure side of the adopted budget.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Fund 10 61010-1001</td> <td style="width: 30%; text-align: right;">\$38,009.00</td> </tr> </table> | Fund 10 61010-1001 | \$38,009.00 |
| Fund 10 61010-1001 | \$38,009.00 | | |

Mr. Kendrick made a motion seconded by Mr. Moore to approve the **Consent Agenda** as presented with corrections to the minutes as noted. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then called attention the **Informational Items: (items 13-19)**

13. **School's Monthly Financial Report:** School's monthly financial report for July 2003.
14. **Letter from J. E. Jamerson:** Mr. Jamerson has written regarding the delays on the Courthouse project.
15. **Virginia's Retreat Annual Report:** Report from Virginia's Retreat regarding the tourism efforts that they have undertaken in the past year.
16. **Letter from Department of Conservation and Recreation:** Letter received regarding the designation of the Appomattox County Park as a public recreation area which makes them eligible for VDOT Recreational Access funds.
17. **Landfill Inspection Report:** Inspection report for May 16th 2003 inspection. First inspection with a new inspector. Issues noted have been corrected or are being addressed as indicated by Ms. Rockefeller.
18. **Letter from Sons of Confederate Veterans:** Letter received from SCV regarding the status of the old courthouse.
19. **Appomattox Town Council Agenda:** Agenda for Town Council meeting/workshop held on June 24, 2003.

Mr. Carter next called for **Supervisor Concerns: (Item 20)**

Mr. Carwile asked if Mr. Carroll had looked into the Lime Plant tax. Mr. Carroll replied that information would be forthcoming at the next meeting.

Mr. Carter stated he would like the Board to consider constructing our own website. We need a site put out by the county, that would benefit the citizens which could include such things as board meetings, some minutes, something that would basically be a communication tool.

After some discussion, the Board by consensus, agreed to move forward with the website.

At 8:09 p.m. Mr. Carter stated it was necessary for the Board to enter into a closed session.

Mr. Moore made a motion seconded by Mr. Carter to enter into a closed session in accordance with §2.2-3711 A.1. of the Code of Virginia for the purpose of discussion of a personnel matter. VOTE: Mr. Carwile, aye; Mr. Moore, aye, Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 8:40 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carte, aye. (4 aye votes, 1 absent)

Mr. Carter read the following certifying motion:

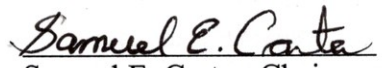
WHEREAS, this Board convened in a closed meeting under § 2.2 – 3711 A.1 of the Code of Virginia, for the purpose of discussing a personnel matter.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye, and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter stated there was no action to be taken as a result of the closed session.

At 8:41 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, July 21, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Appomattox Town Council Chambers located at the Appomattox Town Office, Linden Street, Appomattox, VA.

PRESENT:

Samuel B. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
 John Spencer – Assistant County Administrator
 Brandon Stidham – County Planner

At 6:35 p.m. Mr. Carter called the meeting to order, welcomed everyone present and gave the invocation.

Mr. Carter then opened the floor for **Citizen Public Comments:**

No one had signed up to speak and no one came forward.

Mr. Carter next move to the **ADMINISTRATIVE ITEMS: (items 1 -2)**

1. Emanuel Tire: Emanuel Tire is requesting to temporarily alter the operation schedule at the landfill to supply a new market in South Carolina. Staff has prepared an outline of conditions that would allow this temporary trial period and allow for the trial to be ended or modified if it causes difficulties. Staff recommends to allow the request on a trial basis so long as it does not negatively impact the landfill operation or lead to a greater demand on County resources. These conditions are:

1. Temporary trial basis to end on Friday, August 22, 2003.
2. Emanuel Tire and the County would re-visit this matter during the week of August 18, 2003 to see how it is working for both parties.
3. The County reserves the right to stop the trial period with 48 hours notice or immediately, if it were deemed to be harmful to the landfill operation.
4. All other material, excluding the TDF, which is mentioned in the letter, would enter during the hours of 7:00 a.m. and 4:30 p.m. without exception.
5. No material would be removed between the hours of 7:00 p.m. and 7:00 a.m.
6. Emanuel Tire would not stop at the scales, but the County would identify the vehicle which was leaving with the TDF, but weight tickets would be provided to the County the next day or within 48 hours in order for the County to keep track of the amount of material leaving the operation.

Mr. Rannie of Emanuel Tire has requested that they be allowed to operate on Saturdays until around 3:00 to 4:00 p.m. I would ask that you add this request to your recommendation.

After some discussion regarding additional resources or personnel, Mr. Kendrick made a motion seconded by Mr. Moore to approve Emanuel Tire's request for extended hours of operation with the stipulations proposed by staff. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes).

2. **Disaster Relief Resolution:** The Appomattox County Food and Agriculture Council have requested that the Board Consider adopting a resolution requesting designation as a disaster area. Appomattox County has received significant rainfall this spring that has severely hampered the ability of local farmers to either plant or harvest their crops.

Mr. Carter read a letter received from Eric Eberly, Appomattox County Extension Agent regarding the effects this rainy season has had on the area farmers.

After a short discussion, Mr. Kendrick made a motion seconded by Mr. Hancock to adopt the following resolution for Disaster Relief for the County of Appomattox farmers.

DISASTER RELIEF FOR THE COUNTY OF APPOMATTOX FARMERS

WHEREAS, the excessive rainfall conditions in the County of Appomattox this year has severely affected farmers; and

WHEREAS, during the planting/growing season of the current year the County of Appomattox has received an excessive amount of rainfall while experiencing below average temperatures; and

WHEREAS, the County of Appomattox Food and Agriculture Council, made up of the Farm Service Agency, the Natural Resources Conservation Services, and Virginia Cooperative Extension has reported that approximately 21,000 acres of farm land has been adversely affected within the County at substantial economic loss; and

WHEREAS, it is incumbent upon the Board of Supervisors of the County of Appomattox, Virginia, that the County Administrator is hereby instructed to file with the Governor of Virginia a request that the County of Appomattox be designated as a disaster area.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **CONSENT AGENDA: (Items 3-13**

3. **Approval of Bills:** Please approve bills as presented for payment.

BOARD ACTIONS:

4. **Festival Permits:**

- A. Stonewall Vineyards:** Stonewall Vineyard has submitted a festival permit application to hold Summer Cooler IV on July 26. They are also requesting the bond requirement be waived as in the past
- B. End of Summer Music Festival:** Ken and Bonnie Swanson have submitted a festival permit to hold an End of Summer Music Festival on September 6th from 10:00 a.m. to 6:00 p.m. They are requesting that the fee and bond requirement be waived since the proceeds will go to benefit community organizations.
- 5. Landfill Fees:** Bible Baptist Church has requested that the County waive the collection of landfill fees for that organization. This is consistent with the Board's actions in the past.
- 6. USE OF COURHOUSE SQUARE:**
- A. Reenactment:** Mr. Wayne Phelps has requested use of the Courthouse Square for September 13, 2003 starting at approximately 10:30 or 11:00 a.m. for the purpose of having a ceremony at the Civil War Memorial.
- B. Appomattox Garden Club:** The Garden Club is requesting use of the Courthouse Square for a dedication ceremony on Sunday, April 25, 2004 at 2:00 p.m. to commemorate the dogwoods planted as a result of the contributions made by the late Mrs. Mildred T. McDearmon.
- 7. Fund Balance Roll Over:** Please approve the roll over of the following fund balances as requested by the Treasurer:
- | | |
|--------------------------|----------------|
| Comprehensive Services | \$16,569.91 |
| Law Library | \$10,311.39 |
| Ballpark (Town Ballpark) | \$ 462.69 |
| Capitol Improvements | \$2,869,755.14 |
| Courthouse Maintenance | \$37,487.57 |
| Emergency Mng. Grant | \$34,854.97 |

FUND TRANSFER:

- 8. Sports Complex:** Please transfer \$2,200.00 from the Sports Complex Fund to the General Fund and supplemental appropriate the same amount to 7101-3002 Professional Services for survey work done at the Sports Complex.

SUPPLEMENTAL APPROPRIATIONS:

- 9. Sheriff's Department:** Please approve the following supplemental appropriations as requested:
- | | |
|----------------------------|----------|
| 3102-1002 Regular Overtime | \$67.32 |
| 3102-1002 Regular Overtime | \$134.64 |
- 10. Landfill:** Please approve the following supplemental appropriation for repairs made to the loader:
- | | |
|--------------------------------|-------------|
| 4204-3004 Repair & Maintenance | \$58,000.00 |
|--------------------------------|-------------|

11. **Library:** Please approve the following supplemental appropriations as requested:

7301-5401	Office Supplies	\$155.41
7301-5415	Summer Reading	\$ 50.00
7301-5411	Books	\$682.55

12. **School Board:** Please approve the following supplemental appropriations as requested by the School Board:

Temporary Courthouse	\$ 40.52
School Textbook Rental Fund	\$300,000.00
Appomattox County Athletic Fund	\$ 12,519.38
VPSA 2001 C Non-Subsidy Principal Account	\$94,525.91
VPSA 2001 C Non-Subsidy Income Account	\$24,597.84

13. **Rollover from FY03 to FY04:** Please approve the following supplemental appropriations to the following categories for either remaining grant funds or unused funding from the previous year that should be rolled over:

Landfill	4206-5413	Litter Grant	\$2,090.00
Library	7301-5411	Books	\$ 648.94
Economic Development:			
	8105-6010	Tobacco Grant – Water Study	\$17,856.58
	8105-6011	Tobacco Grant – Workforce Training Center	\$32,467.00

After a brief discussion regarding Item 5 – Bible Baptist Church's request for waiver of landfill fees, Mr. Moore made a motion, seconded by Mr. Kendrick to approve the **Consent Agenda** as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

14. **Schools Monthly Financial Report:** Monthly report for August 2003.
15. **Minerals Tax:** Memo reporting staff's finding relating to the question raised by Mr. Carwile regarding the possibility of taxing minerals mined in the County on a per ton basis. It is staff's understanding that the method prescribed by the Code of Virginia has been utilized by the County for a number of years. This taxation is incorporated into the reassessment fees for real estate taxes on the property.

Mr. Carroll was instructed to research this item further and report back to the Board at a later date.

16. **Business Development Centre, Inc.:** Report from Business Development Centre, Inc – Micro enterprise Program for April-June, 2003.
17. **Appomattox Town Council Agenda:** Agenda for Town Council meeting/workshop held on July 14, 2003.

18. **Supervisor Concerns:** Mr. Carter asked if anyone had anything to discuss at this time.

Mr. Kendrick has some questions regarding "Status Reports" on Welcoming Signs – Route 60 in particular; Websites; Tourism Recommendations; Waste Management and Water Study Report.

Mr. Carroll stated the refinishing of the Welcoming Signs has been completed and landscaping has been done. Mr. Carroll will research what was discussed regarding the signs being placed on Route 60.

The Website was recommended at the last Board meeting and very little has been done on this.

Tourism Recommendations will be forthcoming at the August 4th meeting.

Water Reports: There will be a committee meeting on Wednesday, July 23rd, provided the engineer is available to finalize this report so it can be presented to a joint meeting of the Town Council and the Board of Supervisors in the near future.

There is nothing new to report on Waste Management.

Mr. Kendrick would also like to receive status reports on a monthly basis.

Mr. Carter called for a brief recess at 6:55 p.m.

At 7:02 p.m Mr. Carter reopened the meeting and stated the next item on the agenda was a joint Public Hearing with the Planning Commission and read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting over to Mr. Stidham who read the first petition:
#03-521 – Louis Foster: Variance to §170-80 of the Appomattox County Zoning Ordinance pertaining to rear yard setback for main building in A-1 Agricultural District. Property is located on Rt. 627 between Rt. 632 and Rt. 616, Tax Map #66(A)32.

Mr. Louis Foster of Route 2, Appomattox, VA came forward and stated he was requesting this variance because they had acquired this property from his Grandfather's estate and the cabin was not completed at that time. Mr. and Mrs. Foster would like to complete the construction at this time.

Mr. Stidham called for comments for or against this petition. Hearing none, he then read the next petition.

#03-522 – George F. Adams: Re-zone property from A-1 Agricultural to B-1 Business with conditional use permit for museum with existing dwelling on lot per §170-47(A)(11). Property is located at the corner of U.S. 460 West and Rt. 600, Tax Map #102(A)159.

Mr. George Adams of Pamplin stated he is the owner/operator of Steins Unlimited. He is planning a 30 X 50 German type building which should be an asset to the locality. His own personal collection starts at 1594 and would be available for viewing by the public. He would have access for bus tours and believes this would be a great asset to county tourism.

Mr. Earl Baker of Route 600 in Pamplin. He has been neighbors to Mr. Adams for the last seven years. He is an outstanding neighbor and citizen.

Mr. Stidham called for further comments for or against this petition. Hearing none, he read the next petition:

#03-523 – Courtland Realty/S.L. Ferguson, III: Re-zone from A-1 Agricultural to R-2 General Residential with conditional use permit for manufactured home park with recreational vehicle park as accessory use per §170-40. Property is located off Rt. 26 near U. S. 460 and Town limits, Part of Tax Map #64(A)35.

Mr. Gary Warner of 1403 Churchill Road, Big Island, VA came forward. Mr. Warner stated he wished to build a retirement community on 99 acres located behind the shopping center on U.S. 460.

Mr. Stidham asked if anyone else wished to speak for the petition.

Mr. Stidham next asked if anyone wished to speak against the petition.

Mr. David Mills, of Route 26, Appomattox, VA came forward. Mr. Mills stated he is concerned because his residence is located across from where the access entrance will be located. He has lived there for 18 years and he does not want property values to decrease. He also would like to know if this will include single-wide and/or double-wide mobile homes. Will they be for a retirement village or not? It may be classified as retirement now but once it is passed, would we end up with another Sleepy Hollow Trailer Park. He has nothing against anyone who may live in Sleepy Hollow Trailer Park but he does not want to see one right in front of his residence and he feels his

neighbors do not either. He feels they should have a little more information available in order to make a decision on this petition.

Mr. Carter explained to Mr. Mills the process involved before any final recommendations are made.

Mr. Stidham next read the final petition on the agenda.

03-524 – John A. Masserini: Re-zone from B-1 Business to M-1 Industrial with conditional use permit for concrete manufacturing plant per §170-51. Property is located on U. S. 460 West between Rt. 609 and Rt. 667, Tax Map #60(9)1.

Mr. Tommy O'Brien of Appomattox came forward and stated he was representing Dick Rhodes. This is for the relocation of the J. E. Sears concrete plant to Route 460 across from Shadow Wood Nursery. There is already an existing turn-off at this location, which consists of 2 ½ acres of land. This has been through the Virginia Department of Transportation and the County Health Department and there is an existing site plan for this property. They are requesting a re-zoning for this relocation.

Mr. Stidham called for further comments for or against this petition. Hearing none, he stated the Planning Commission would hold its meeting at the Jamerson Memorial Library located on Main Street and anyone who wished to make further comments was welcome to attend.

Mr. Carter closed the public hearing at 7:13 p.m. and called for a 5 minute recess.

Mr. Carter called Mr. Bill Slagle – Chair- CEDS Committee and Mr. Garnet Mills – Chair-CEDS Tourism Committee to address the Board.

Mr. Slagle began by giving an update on the IDA activities. As stated in the newspapers recently, we have landed our first tenant at the park. He wished Mr. John Spencer was present to take his well deserved bows as he has spent a great deal of time and effort in this and other projects that are still ongoing. They are also grateful to Mr. Spencer for his effort to bring about the \$50,000 Tobacco Commission Grant for infrastructure extension at the Industrial Park. He also hopes everyone has noticed the beautiful sign at the entrance to the industrial park.

The IDA has worked actively in cooperation with the community recreational people in hosting the Civil War Reenactment by allowing the use of the industrial park property and recognize the economic impact this will have on our community. They are also working with a group to hold model airplane activities. He recognizes the economic development impact these types of activities will have on our community. The Recreation Park was originally a part of the original property purchased by the IDA. This 100 acre park will prove to be a valuable access to the County and they are very pleased with the \$200,000 grant recently received by the Recreational Park.

He is proud to have helped with the financing of the Courthouse project as well as the building of the new elementary school.

Mr. Slagle continued with a report on the CEDS Committee and passed out a copy of the minutes of the July meeting. Mr. Slagle gave a history of the Committee, and went over the appointees. The Board will be receiving CEDS minutes in the future as a means of keeping you informed of the activities of this committee. They have done a S.W.O.T. analysis. They looked at strengths, weaknesses, opportunities and threats.

Mr. Mills will give a brief presentation on tourism efforts in the past and develop a specific plan of action we can take in order to move forward. They have come up with a strawman plan.

Mr. Garnett Mills came forward and thanked the Board of Supervisors, the Chamber and all those that have worked on tourism. His committee has come up with several things that are necessary to get things started. Mr. Mills passed out a outline of the short, medium and long range plans for this subcommittee. The main goal is to bring tourism together in one place. In this plan, everyone that has anything to do with tourism, would go through the Tourism Director. At the present time, there are too many factions out there doing the same thing. They feel a Committee should be formed of persons who can work together and really want to see tourism flourish in the County and Town. The Chamber currently represents about 140 businesses within the County.

He also discussed an official Appomattox County Website.

There was some mention of the Visitor's Center (Long range). Really does not know what the Town/County want on this. Some thinking is a Visitor's Center should be out in the County with better exposure. The present center is one of a few certified visitors center in the state. Being certified is a plus for receiving grants, etc.

Mr. Kendrick stated he is very impressed with the plans that this committee has presented. We need to move toward hiring a full-time tourism director. He would love to see Ms. Dixon free to do this job.

Mr. Slagle next presented a report on the Water Study. This is a concern of everyone. If last summer's dry spell did not show how much we need a water supply, nothing will. The County needs an entity to talk about these issues and to deal with water, sewer and solid waste.

The discussion centered around forming an authority for water/sewer/solid waste. It was the consensus of the Board to direct staff to make a recommendation on how to form an authority and bringing water to the County within the next thirty (30) days.

Mr. Kendrick made a motion seconded by Mr. Moore to adopt the CEDS tourism plan as a template for the County's tourism plan. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated the Board needed to have a closed session to discuss a personnel matter. At 8:00 p.m. Mr. Carwile made a motion seconded by Mr. Moore to enter into a closed session in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussing of a personnel matter. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 8:38 p.m. Mr. Carwile made a motion seconded by Mr. Moore to return to open session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711 A.1 of the Code of Virginia, for the purpose of discussing a personnel matter.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick and Mr. Carter, aye. (5 aye votes)

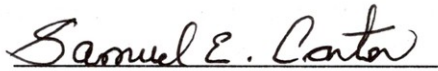
Mr. Carter reminded the Board of the upcoming meetings:

Monday, August 4, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Tuesday, August 5, 2003
6:30 p.m.
Office of the County Administrator
Interviews for County Attorney

Monday, August 18, 2003
Regular Board Meeting
Council Chambers - Appomattox Town Office
6:30 P.M.

At 8:40 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday August 4, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Town Council Chambers at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll - County Administrator
 Anne Dixon – Director of Parks/Recreation/Tourism
 John Gibney – Attorney, Thompson & McMullan
 Bob Dybing – Attorney, Thompson & McMullan

At 6:30 p.m. Mr. Carter opened the meeting, welcomed everyone present and asked Mr. Kendrick to deliver the invocation.

Mr. Carter stated the first order of business was **Citizen Public Comments:**

Ms. Elizabeth Hackett stated she is concerned about the re-zoning of property on Route 460 across from Shadowwood Greenhouse. She and her husband own three (3) acres of property in the vicinity. They were under the impression that there would be a line of businesses there and they are opposed to the use of this property by the concrete factory. They feel that the noise and dust would be bad for their business once they relocate to this location. They would like to see this strip of property stay zoned for business.

Mr. Bruce Hackett stated he purchased this land for business. He feels that having a business next to industrial causes a problem. His major concern is the dust but he is also concerned about the traffic. He also thinks other property owners feel the same as he does.

Mr. John Wilson came forward and stated he was here to express his opinion on tourism in Appomattox County. He is strongly in support of the Parks, Recreation & Tourism Department. It is a bold step on the part of the Board of Supervisors. It is a decision that required progressive decisions and positive leadership. It has ended many years of political bickering over tourism in the County as to who pays, who does the work and who gets the benefits. Your decision has allowed the Town, the Chamber of Commerce, individuals, businesses and the county itself to control their respective destiny. The Town has now committed approximately \$12,000.00 to maintain the Visitor's Center and distribute brochures. He also feels that a Welcome Center located on Route 24 would be beneficial and would capture about 75% of the visitors visiting the National Historical Park. A well trained staff would direct tourists to downtown as well as other places of interest in the county. Selection of a site and construction for a visitors center should begin immediately.

Mr. Wilson also feels that Ms. Dixon should answer directly to the Board of Supervisors, not the County Administrator. She should be given adequate compensation, sufficient authority and the freedom to apply her creative skills without interference. Do not get bogged down on details, a parallel effort does not require cooperation.

Mr. Carter moved to the next item on the agenda.- **ADMINISTRATIVE ITEMS: (Items 1-4)**

1. **Presentation of Draft Tourism Plan:** Ms. Anne Dixon, Director of Parks, Recreation & Tourism will present a draft tourism plan and answer questions the Board may have about the plan.

Ms. Dixon introduced Ms. Rebecca Mayberry from Richmond, who gave a presentation on advertising in the Virginia is for Lovers Travel Guide.

Ms. Mayberry stated the Travel Guide is an important tool to getting tourists to come to Appomattox. They provide this guide to anyone who contacts their agency requesting information on places of interest in Virginia. Appomattox has in the past advertised jointly with surrounding counties to promote tourism. It is hoped that the County can do cooperative efforts with businesses to highlight Appomattox County only. Their publishing company does an excellent job on design work and will help you along these lines. They also offer a lead response system where other advertisers will sign up and receive notices of places of interest in the area. Not only are these guides distributed to people who are responding to the Virginia for Lovers campaign, they are also distributed to all of the Commonwealth of Virginia Welcome Centers. They are also taken to a number of trade shows and other venues to attract more tourists to Virginia.

Mr. Carter thanked Ms. Mayberry for her presentation.

Ms. Dixon presented a preliminary outline of the direction she would like to see tourism move in the future. She would like to have some definite plans in place before the spring tourism season. One of the first things she would like to see done, is open the Museum and Clover Hill Village using experience workers (retired person) in conjunction with the Historical Society. She is also preparing a computer data base to capture tour bus groups, etc. She would also like to add a local attractions list to the website being prepared by the County. There are lots of things to do in Appomattox, we just have to market them.

After going over her draft tourism proposal, Ms. Dixon asked if there were any questions the Board would like to have her answer.

Mr. Carwile stated he felt Ms. Dixon had covered everything very well.

Mr. Kendrick suggested billboards on adjacent routes around the county to direct people in the right direction.

Mr. Moore added he felt there was a lot of confusion regarding the two Courthouses.

Mr. Carter thanked and excused Ms. Dixon.

2. Planning Commission Recommendations:

The Planning Commission has forwarded its recommendations from the Public Hearing of July 21, 2003. Please take notice that Board action is requested on Petition #03-522 – George Adams and #03-524 – John A. Masserini. Also provided are the appropriate motions for approval/denial and conditions of each petition for consideration.

#03-522 – George Adams: Rezone from A-1 Agricultural to B-1 Business with conditional use permit for museum per §170-47(A)(11). Property is located at the corner of U. S. 460 West and Rt. 600, Tax Map #102(A)159.

Mr. Moore made a motion seconded by Mr. Carwile to approve **Petition #03-522 – George Adams** for reasons of public necessity, convenience, general welfare and good zoning practice, to re-zone a parcel of land located at the corner of U.S. 460 and Route 600 from A-1 Agricultural to B-1 Business. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye, and Mr. Carter, aye. (5 aye votes)

Mr. Moore made a motion seconded by Mr. Carwile to also approve **Conditional Use for Petition #03-522** as follows: In lieu of surface treatment, that the graveled access road and parking lot be maintained within fifty (50) feet of the state right-of-way to prevent mud holes, sedimentation, and tracking of sediment onto the state road. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

#03-524 - John A. Masserini: Rezone from B-1 Business to M-1 Industrial with conditional use permit for concrete manufacturing plant per §170-51. Property is located on U.S. 460 West between Route 609 and Route 667, Tax Map #60(9)1.

Mr. Carwile stated that the control of the dust is the only real negative that he had heard. However, he feels that the concern of the dust problem has been addressed.

Mr. Carter also has had some concern to the traffic flow. This has already been approved by VDOT.

Mr. Kendrick stated his biggest concern was that the facade of the building be such as not to deteriorate other businesses that will eventually locate in this area. He understands that the front will be concrete, will the sides be grass or what?

Mr. Carter asked Mr. Rose, who will be putting up the plant, to address the Board regarding some of these concerns of the site plan.

Mr. Rose stated they had several plants in the surrounding localities and they pave all the areas as they have waste concrete coming back in and eventually the entire area will be paved. This site will have considerable paving in the front and the area in which the

trucks load. The dust problem in the unpaved area will be treated with calcium chloride and water from washing out the trucks. The landscaping would be conducive to adjoining a business district rather than an industrial district.

Mr. Kendrick made a motion seconded by Mr. Carwile to approve **Petition #03-524 – John A. Masserini** for reasons of public necessity, convenience, general welfare and good zoning practice to re-zone a parcel of land located off U. S. 460 between Rt. 609 and Rt. 667 from B-1 Business to M-1 Industrial. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye, and Mr. Carter, aye. (5 aye votes)

Mr. Carwile made a motion seconded by Mr. Kendrick to also approve **Conditional Use for Petition #03-524- John A. Masserini**, amended as follows: to alleviate any dust and aesthetics that are conducive to a business environment. A vegetative buffer shall be planted along the length of the side property lines for a minimum width of 5 feet. Buffer shall consist of trees a minimum of 6 feet in height (Leyland cypress recommended) and shall be maintained as a screen throughout the life of the approved conditional use. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **Welcome Signs:** Mr. Kendrick had requested an update on the refurbishing of the County Welcome Signs. Refurbishing has been completed along with landscaping. Question was raised regarding signs being placed on Route 60 at Bent Creek. Estimated cost of new signs is \$3,000 to \$4,000 and no Tobacco Grant money is available as the remainder has been obligated to the water study. Also easement for placement of the signs and possible VDOT approval will be needed.

Mr. Kendrick stated he thought he had approached the subject of the present welcome signs, the replacement of the sign on U.S. 460 at Pamplin and the placing of signs on U.S. 60 as motorists do not know when they enter Appomattox County from Buckingham County or Nelson County with these being funded with the Tobacco Grant funds. If we are going to attract tourists, we need to have something indicating you are entering Appomattox County.

Mr. Moore stated he does not recall a motion being made to place signs on U.S. 60.

Mr. Kendrick made a motion seconded by Mr. Carwile to erect welcome signs on U.S. 60 in Bent Creek at the Nelson County line as well as U.S. 60 at the Buckingham County line. Also relocate the sign on U.S. 460 near the Pamplin Exxon closer to the County Line. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

4. **2003 VDEM Equipment Grant:** Information has been received concerning this grant that could provide \$107,055.00 towards an interoperable public safety radio system. The Public Safety Commission has identified this as a critical need.

Staff recommends that the Board authorize the grants be submitted for these funds to be used for an interoperable public safety radio system and establish a separate account to hold the funds for this purpose until other funding sources needed to implement the system are identified.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore to authorize the acceptance of these grants for the purchase of an interoperable public safety radio system. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter moved to the next item – **Consent Agenda: (items 5 – 8)**

5. Approval of Bills: Please approve bills for payment as presented.

BOARD ACTION:

6. Building Permit Waiver Request: The Town of Appomattox has requested the building permit fee be waived in association with the construction of a well house at Well #39.

SUPPLEMENTAL APPROPRIATIONS:

7. Sheriff's Department: Please approve supplemental appropriations as requested:
3102-5408 - Vehicle Power Equipment \$3,626.39

8. FY 2003 Balancing Transactions: Please approve the following retroactive supplemental appropriations required to balance line items for the year ended June 30, 2003:

- a) 2107-1001 Salaries & Wages \$1,111.23 to reflect salary supplement that was not transferred to this category.
- b) 2109-3002 Professional Services \$35.23 to reflect additional procured services for juvenile detention.
- c) 3100-1002 Overtime – Law Enforcement Grant \$819.28 no rollover of grant funds was requested at the end of FY02.
- d) 3100 – 2001 FICA \$120.42 no rollover of grant funds was requested at the end of FY02.
- e) 3101-1004 DMV Overtime \$3,577.54 no rollover of grant funds was requested at the end of FY02
- f) 3101-2001 FICA \$388.18 no rollover of grant funds was requested at the end of FY02.
- g) 3102-1001 Salaries & Wages \$9,590.10 to reflect the County's match for the Law Enforcement Nurse Grant that was not included in FY02 budget.
- h) 3102-2002 VRS \$1,958.34 to reflect the corresponding VRS for the unbudgeted salary in 3102-1001.
- i) 3102-2005 Blue Cross \$10,892.79 to reflect additional premiums paid for employees that were hired or added insurance during enrollment period.
- j) 3104-1001 Salaries & Wages \$1,002.43 to reflect salary supplement

that was not transferred to this category.

There was considerable discussion regarding item 8 – FY02 Balancing Transactions. Mr. Carter questioned when the deficits were encountered on these items.

Mr. Carroll explained item by item what the problem was and that these items were not over budget until the last payroll of the fiscal year. Items c,d,e, & f were actually rollover grant monies from the previous FY budget that were not transferred.

The question came up regarding where this money would come from, General Fund or be taken from the FY 03 Sheriff's budget.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve items 5, 6, 7 and 8-b thru f of the Consent Agenda. Item 8-a, & g-j were tabled until further information can be obtained. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

9. **TransDominion Express Update:** Update enclosed.
10. **Letter from the Hon. Virgil H. Goode, Jr.:** Letter concerning Congressman Goode's efforts to help fund the ultimate development of a water source for the County.
11. **VDOT Public Hearing:** Notice of public hearing regarding the Route 641 improvements.
12. **Landfill Inspection Report:** Inspection report for the bailing facility conducted on May 28, 2003.
13. **Thank You Notes:** Notes from Gladstone Rescue Squad, Pamplin Volunteer Fire Department and Gretna Rescue Squad thanking the Board for donations

Mr. Carter next called for **Supervisor's Concerns:**

Mr. Carwile stated he had been talking with Mr. Wayne Phelps regarding the Old Jail Museum. This building is in deplorable condition. The roof is leaking and the ceiling is falling down. With the reenactment coming up on September 12th, this building should certainly be opened to the public. Mr. Carwile passed out an estimate dated July 11, 2002, from J. E. Sears to repair this building. He is not recommending that all the work described in the estimate be done at this time. He is asking the Board to authorize Mr. Phelps and his committee to get two bids for the things that need to be done to have this building usable by September 12, 2003.

Mr. Kendrick questioned who owned the building and why it is not maintained by the County if it is our responsibility. Also, was not extra money borrowed to cover the repairs to this building along with other buildings in the Courthouse Square.

It was the consensus of the Board to do what is necessary to make this building usable by September 12, 2003. Mr. Carwile and Mr. Moore agreed to work with staff to determine the specific needs for this project.

Mr. Carwile also passed out a handout for the reenactment, regarding parking, etc.

Mr. Carter stated the need to enter into closed session.

At 8:24 p.m. Mr. Carwile made a motion seconded by Mr. Moore to enter into a closed session per §2.2-3711 (A) 1 and §2.2-3711 (A) 7 of the Code of Virginia to discuss a personnel issue and a legal matter - biosolids litigation. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 11:05 p.m. Mr. Hancock made a motion seconded by Mr. Carwile to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

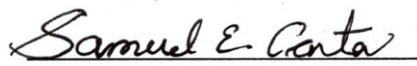
WHEREAS, this Board convened in a closed meeting under §2.2-3711 (A) 1 and §2.2-3711 (A) 7 – of the Code of Virginia, for the purpose of discussing a personnel matter and a legal issue – biosolids litigation..

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 11:07 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to recess until 6:30 p.m. on August 5, 2003 at the Office of the County Administrator. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, August 5, 2003 the Appomattox County Board of Supervisors held a recessed meeting at the Office of the County Administrator, Morton Lane, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District

ABSENT: Jesse L. Hancock – Falling River District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
John Spencer – Assistant County Administrator

At 6:39 p.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated the purpose of this meeting was to interview for the position of County Attorney and stated the need to enter into closed session.

At 6:40 p.m. Mr. Carwile made a motion seconded by Mr. Moore to enter into closed session per §2.2-3711 A. 1 of the Code of Virginia – Personnel Matters for the purpose of interviewing prospective candidates for appointment.. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carte, aye. (3 aye votes, 2 absent)

At 10:00 p.m. Mr. Carwile made a motions seconded by Mr. Moore to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711 A.1– of the Code of Virginia, for the purpose of interviewing prospective candidates for appointment.

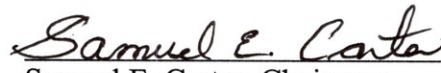
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

At 10:02 p.m. Mr. Moore made a motion seconded by Mr. Carwile to adjourn.

VOTE: Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, August 18, 2003 the Appomattox County Board of Supervisors held its regularly schedule meeting in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA. 24522

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Jesse L. Hancock – Falling River District
Mr. Frank H. Carwile – Wreck Island District
Mr. Russell H. Moore – Piney Mountain District
Mr. Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
Brandon Stidham – County Planner

At 6:34 p.m. Mr. Carter called the meeting to order, welcomed everyone present and asked Mr. Hancock to deliver the invocation.

Mr. Carter then opened the meeting for **Citizen's Public Comments:** This time is provided by the Board to allow citizens to express their concerns regarding subjects that are of concern to them.

Mr. John Wilson, Church Street, Appomattox came forward. Mr. Wilson stated that he had trimmed and cleaned up some brush recently and carried them to the landfill. While unloading this brush, his truck got stuck. Ms. Rockefeller was kind enough to get him out. Another citizen also got stuck. He is asking that the Board consider putting in a cement pad with a reinforced backstop, so trucks and such will not get stuck while dumping brush, etc. This area does at the present time have large gravel or rocks, but they could also present a problem by dragging the bottom of vehicles.

He is also suggesting that the landfill have someone in attendance on Saturdays, so citizens will have some additional hours to get rid of their brush especially with the upcoming winter season and additional growth of shrubby.

Mr. Carter thanked Mr. Wilson for his comments.

Mr. Carter next called Mr. **Wayne Phelps, President – Historical Society** to address the Board. Mr. Phelps has requested to meet with the Board concerning repairs to the old jail/museum building.

Mr. Phelps gave an update on the upcoming Reenactment (distributed a handout.). They had a meeting on Saturday. They are all well pleased with the layout of the battlefield. They have received a letter from Congressman Virgil Goode with a donation to help cover expenses. At the present time they have approximately 450 confederate troops and

about 200 Union troops. 15 pieces of artillery with approximately 60 men with this unit and about 150 SCV members we can use anywhere we may need them.

He has received estimates for repairs to the Old Jail/Museum projects. He has talked with Kevin O'Brien at J. E. Jamerson & Sons and Al Sears at J. E. Sears. He has also received an estimate from Bobby Wells regarding the roof: Tar & Gravel the flat roof, repaint and refurbish the old part and gutters as well - \$3,600.00. Mr. Wells stated the old part of the roof (A part) is in pretty good shape to be as old as it is.) He is asking the Board to accept the bid from Mr. Wells. Mr. Phelps passed out the estimates he has already received and stated he expected to receive an additional bid from J. E. Sears.

They would hope to have all the repairs completed by Railroad Day. For around \$15,000 or less they can get this building in shape.

After some discussion regarding what Mr. Wells' estimate included, Mr. Carwile made a motion seconded by Mr. Moore to approve expending up to \$15,000 maximum for repairs of the Museum. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter moved on to the next item on the agenda – **ADMINISTRATIVE ITEMS:** (items 1&2)

1. **Health Insurance Renewal:** In June the Board approved joining the Regional Health Insurance consortium provided that consortium would be operational by the renewal period. At this time it does not appear the regional consortium will have enough participants to be viable as originally envisioned. Staff and school administration staff have taken steps to revisit the Anthem renewal rates with HRH, our health insurance consultant. There has been some changes in the renewal rates along with a change to the prescription drug tier plan. Staff recommends the approval of the Anthem renewal for medical insurance for the coming year with the County contributing \$322.92 per employee per month. Also approval of the renewal of Mutual of Omaha as the dental insurance carrier as a voluntary benefit.

There was some discussion regarding what localities had and had not decided to join this consortium. It appears that the numbers will not be sufficient to proceed at this time.

Mr. Carwile made a motion seconded by Mr. Moore to accept the Anthem renewal plan as the medical insurance carrier for the upcoming period with the County contribution of \$322.92 per employee and remaining with Mutual of Omaha as the dental carrier as a voluntary benefit. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 7:03 p.m. Mr. Carter called for a short recess.

At 7:07 p.m. Mr. Carter reopened the meeting and stated the next item on the agenda was the **Joint Public Hearing with the Planning Commission.**

PRESENT: (Planning Commission)

Kevin O'Brien, Chairman
 Al Sears, Vice-Chairman
 Jerry Hughes
 Steve Conner
 Calvin Tanner
 Robert Johnson
 Susan Hudson
 Jim Seftor
 John Wilson
 Marvin H. Mitchell

Mr. Carter stated this Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions.

Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter turned the meeting over to Mr. Stidham who read the first petition.

#03-525 – 460 Mini-storage LLC: Amend conditional use permit per §170-47 of the Appomattox County Zoning Ordinance to allow an on-site manager's apartment at an existing self-storage business. Property is located on US 460 East between Rt. 648 and Rt. 667, Tax Nap #73(A)20C and is zoned B-1 Business.

Mr. Stidham asked if anyone wished to speak for this petition.

Mr. Bill Jamerson, owner of the 460 Mini-Storage came forward Mr. Jamerson is requesting that if the opportunity presents itself, they might consider an on-site manager and would like take the opportunity to lay out the plumbing, etc., while they are building these units.

Mr. Stidham called for any additional comments for or against this petition.

Hearing no further comments Mr. Stidham moved to the **Proposed Ordinance Amendments:**

Amend §170-36 and §170-37 – Uses in the R-1 Residential District: A amendments regarding the use of mobile homes as dwellings for elderly/infirm family members in the R-1 District.

Mr. Stidham called for comments for or against this petition.

Someone asked Mr. Stidham to explained exactly what this amendment is for.

Mr. Stidham stated that this amendment is regarding certain exceptions in the R-1 district in which mobile homes are allowable in cases where you have an elderly or infirm family member that you would like to have live in a mobile home on your property as a second dwelling. It is currently a permitted use, meaning someone could get a zoning permit from the zoning administrator directly for this. The proposed changes involve a few more administrative requirements and makes it a conditional use permit which requires that it goes through a public hearing and have the Board of Supervisors vote on the change.

Mr. Carwile stated he needed clarification as to what was just stated. Is he reading that the R-1 district is the only district that this is accepted in?

Mr. Stidham explained that this a particular exception in the R-1 district where mobile homes are otherwise not permissible as dwellings. It is an exception that is allowable for elderly or informed family members that only occurs in the R-1 district. The A-1 and the R-2 district allow mobile homes by right.

Mr. Stidham called for other comments. Hearing none he moved on to the next item for consideration.

Proposal to amend §170-82 Accessory Buildings and Temporary Buildings: This would be an amendment prohibiting the use of mobile homes as accessory buildings.

This particular amendment deals with mobile manufactured homes that are used as accessory buildings on property for storage, workshops, etc. This does not affect ones ability to use these as dwellings. This amendment also does not cover truck trailers, or steel cargo containers that may be on property. It will also not affect any existing mobile homes that are on individuals property that are being used as accessory buildings. If passed, those existing buildings would be "grandfathered".

Mr. Carwile addressed the Board and those in attendance concerning the discussion that led to the public hearing tonight. As he recalls the motion was made to accept the amendment as written and presented by the Planning Commission. There was no mention of a public hearing being conducted.

Mr. Moore stated that it was his understanding that whenever the Board voted to accept an ordinance change that it was automatically understood that a public hearing would be held.

Mr. Stidham reinstated that this was a proposal to amend §170-82: Accessory Buildings and Temporary Buildings. This will be an amendment prohibiting the use of mobile homes as accessory buildings. As previously stated, this does not impact ones use of mobile homes as a dwelling. This also does not cover truck trailers or storage containers. Any existing mobile home in use as accessory buildings will be "grandfathered" if this is adopted. No County action to remove them for non-compliance will be taken.

Mr. Kendrick stated that Mr. Carwile has brought up the fact that this may be an illegal meeting based on a motion he made. The night he made the motion it was the understanding of everyone present that the ordinance would go to public hearing and the discussion got to be emotional to some degree. If this is a situation where a technicality is being address as being illegal, he would like to address it and if necessary he will change the original motion or whatever and we can stop this meeting or we can rescind that motion and re-adopt a motion to read as it was intended previously.

Mr. Kendrick made a motion to rescind the motion made on July 7th, 2003 regarding the use of mobile home as accessory buildings – Amendment to §170-83 of the Appomattox County Zoning Ordinance. Mr. Carter seconded the motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

After taking into consideration the number of citizens who had attended tonight's meeting to discuss this issue, the Board by consensus agreed to listen to comments from the public regarding the Amendment to §170-83 - Mobile Homes – used as accessory buildings.

Ms. Dianne Miller, of Rt. 6, Appomattox came forward. She does not have any mobile homes being used as accessory buildings but she feels it is wrong to zero in on one class of buildings. She thinks the Board should come up with some sort of regulation regarding maintenance, appearance, or whatever, regardless of the type of building. There are plenty of buildings that are not well maintained. Some are vacant and some are still in use, but they are eyesores. You might want to consider some tax incentives for people to renovate their old buildings, rather than build new buildings and just let the older ones decay.

Ms. Magda Liska, Route 2, State Route 664, Appomattox was next to address the Board. She is not sure what transpired to bring about this amendment, however, it is people's personal property. Perhaps safety issues could be put in place regarding the placement of these old mobile homes for use as storage buildings. She feels that this is a good way to recycle these units. She also brought up the unit now in use at the County Animal Shelter.

A.R. "Chip" Padgett of Piney Mountain Road stated he felt that before the next public meeting the notice published in the newspaper should state exactly what the ordinance will and will not cover and who is "grandfathered" and who is not because there is a lot of confusion regarding what it does and does not effect. This is why you have the large turnout tonight.

Mr. Jesse Rosser of the Town of Appomattox referred to an article in the TIMES VIRGINIAN on 8-13-2003 and I quote "each day when he drives home, he sees four or five uninhabited mobile homes on his road. A sight he described as a shame and disgrace. Many of the neighbors have complained". He can understand the concern for trailers used for storage in the town limits but not in the county. The county really gives him cause for concern. Our rights are slowly being attacked on the Federal level; prayer at VMI, posting of the Ten Commandments, etc., must we loose the ability to use our assets as we see fit in Appomattox County. We need to look at this problem from another aspect. Condemn unsightly storage trailers or buildings, etc., have the County purchase the units and dispose of them; have landscaping requirements to hide these from view or a special use tax for these trailers. Why throw away a reusable asset. We do not need an ordinance as the one proposed.

Mr. Gerald Hodge, Route 608, Piney Mountain Road – He has set up enough trailers to know that a lot of the old ones are a lot better made than the newer ones. Has consideration been given to the hardship this will place on the citizens. When you purchase a new one, you don't get much for the old one and some like to keep the old one as a storage building, workshop, art studio, etc. Where will these units be disposed of when this ordinance is passed?

Mr. Johnny Knight of Route 604, Appomattox.- He thought the Board of Supervisors had a lot of work to do, instead of going around picking on the citizens. If you do not want to look at his property when you pass, you can look across the road.

Ms. Jenny Hawthorne, Route 728, Spout Spring – She moved here from Farmingdale, N.J., she liked it there. She does not want to see what happened in Farmingdale, to happen to Appomattox.

Mr. Buck Hawthorne, Route 938, Spout Spring - He would like to know the meaning of "grandfathering". Who is to govern when a unit was set up, before or after the ordinance being in place.

Mr. Stidham defined the "grandfathering" clause for Mr. Hawthorne.

Mr. Gene Woody, Route 691, Appomattox – He has a mobile home he is currently using for storage. He wants to dispose of it. He called the landfill and was told it could not be

disposed of at the landfill. He would like to know what you are supposed to do with these units when they are no longer useable.

Mr. Carroll will try to find out where these can be disposed of and get back in touch with Mr. Woody.

One gentleman who did not give his name stated that all he knew was what he had read in the newspaper and he could not understand what he had read. He was not able to determine if this was about single-wides, double-wides, or whatever. If someone dies that lives in one of these units, and there is a 30 day time period in which to remove the unit, if you cannot sell it to someone for use other than living quarters, what do you do with it? The landfill won't take it, so how are you suppose to dispose of it?

Mr. Carter attempted to clarify things. The question raised is in reference to housing for the elderly/infirm family member. As long as it is sitting there unoccupied, it still remains a dwelling until a request is made to use it for some other purpose. This does not in any way effect the use of mobile homes as dwellings, only those used as accessory/storage buildings.

Mr. Gerald Hodges stated he had something else to say on this matter. Has anyone thought of the legal aspects of this. His daughter had a mobile home next to a relative. The relative declared bankruptcy. His daughter could not rent the trailer and therefore, the trailer had to sit there for almost a year.

Mr. Kevin Barksdale – Lynhill Lane, Appomattox. – As he understands, this is a joint public hearing with the Planning Commission. We will or will not allow these mobile homes to be used as storage units. Most people will want to keep these as they cannot afford to be spending upwards of \$5,000 for storage sheds. If they are willing to keep up appearances and/or setbacks, then they should be allowed to keep them. The Planning Commission should take what has been said tonight and re-do this ordinance and when it is published in the newspaper clarify exactly what it is that will be changed so people will not misunderstand all of these ordinances.

Mr. Clarence Woody – He suggests that for those persons who do not understand the ordinances, copies of these be available for those who wish to have this in writing. Also on Amendment to 170-36 - does he understand that there is a age limit of 65 years on this elderly/infirm person.

Mr. Stidham stated there was no age limit on this section of the zoning ordinance.

At 7:56 p.m. Mr. Carter closed the Public Hearing and called for a short recess.

At 8:06 p.m. Mr. Carter re-opened the meeting.

Mr. Carter asked for clarification on the motion regarding Item 1 – Health Insurance Renewal:

The motion was: “to approve the Anthem renewal for medical insurance for the coming plan year with the County contribution of \$322.92 per employee per month and the renewal of Mutual of Omaha as the dental insurance carrier for the upcoming year as a voluntary benefit”. Clarified and approved by consensus of all Board Members present.

Mr. Carter also called for clarification on the motion regarding the improvements to the Old Jail/Museum. The motion was “that an expenditure of up to \$15,00.00 be approved for cosmetic repairs to the Old Jail/Museum building as dictated by the committee appointed at the last meeting”. Clarified and approved by consensus of all Board Members present.

Mr. Carter next called attention to **Administrative Items: (item 2)**

2. **Public Service Authority:** Memo enclosed outlining the steps needed to form a Public Service Authority. The Code of Virginia sections that relate to the creation and operation of a Public Service Authority are also included for the Board’s reference. At the July 21st meeting the Board requested staff to determine the steps necessary to establish a PSA for the purposes of securing a long-term water source for Appomattox County. If the Board wishes to proceed with the creation of the authority, staff will prepare the ordinance and advertisement for review.

Mr. Carwile stated he felt the Board needed time to read and digest the Water Study Report issued by Wiley & Wilson before making any decision on the PSA.

After some discussion, it was decided that this matter would be placed on the agenda for the September 15th, 2003 meeting.

Mr. Carter stated an Item 3 had been added to the Agenda:

3. **Classification and Pay Scale for Director of Parks, Recreation & Tourism:**
Mr. Carroll gave each Board member a modified description of duties for the Directors of Parks and Recreation in which the additional duties of the Tourism Director has been incorporated. Those items underlined are specifically added for the Tourism Director.

The salary range for the Parks & Recreation Director was established as a Grade 20 - \$32,394 to \$45,352.

Mr. Carroll is proposing the new position – Director of Parks, Recreation & Tourism be a Grade 23 with a salary range of \$37,921 to \$52,809. The Board will have to establish the new classification and salary range for this position before any salary adjustment can occur for the greater responsibility of the position.

Mr. Kendrick made a motion that the new position be classified as Director of Parks, Recreation & Tourism – Grade 23 with a salary range of \$37,921 to \$52,809. Mr. Hancock seconded the motion.

Discussion centered around the compensation. The salary for this individual will be decided by the Board in closed session.

There was some discussion regarding the structure of this position and would this individual answer to the Board with a dotted-line to the County Administrator or leave the structure as is – meaning reporting directly to the County Administrator. If the Board wishes to change the structure, then an exception to the personnel policy will need to be enacted and the Position Description will have to be re-written. If this position answers directly to the Board, then they will personally be liable for any inappropriate issue taken. According to the current Personnel Policy, the County Administrator is a buffer for the Board in these instances.

Mr. Carwile stated he would like to have this person report to the Board with the County Administrator only acting in an advisory capacity and handling of other administrative functions.

Mr. Moore questioned why this position should be any different than any other county position. The department head would still be able to come to the Board directly at any time they wished to do so. He is opposed to this position being handled any differently than the others.

Mr. Carroll stated that the Board needed to look at the structure of the position, not the personalities of the Tourism Director or the County Administrator. These things change. The decision should be the structure of what best suits what the Board is looking for.

Mr. Carter stated that in a limited amount of words, I would say that the county has embarked upon a situation that has been lingering out there forever. We have had a committee here, a committee there, we have done this and that, and the other trying to enhance the tourism dollars. We have not done this, right, wrong or indifferent. The Board took the action to embrace this. Meaning for the first time a Board of Supervisors has gotten together and said “We are going to make tourism number one. We are going to take the bull by the horns and run with it”. This is the first time this has ever happened. In order to make this happen the Board also said that we are going to take the full responsibility for this. In taking the full responsibility for this, requires a lot of changes. Things that have been the same in the past, will have to be changed in the future in order to, from the Board’s point of view, move forward with this endeavor. This is where I am coming from – full responsibility.

Mr. Carwile stated that this is where he is coming from too – full responsibility.

Mr. Kendrick stated here is the situation. It stems back to what Mr. Moore said. You are saying that the structure we have in place does not allow for us to get the results we want for tourism. Which means, we need to address that. Do you understand what I am saying? The employees of the country deserve – each one of them deserves the right - to be managed and supervised by the same type of authority. If we have an issue where we feel strongly that we have to make a separate situation for this particular position, then we need to address why we feel that way. What is it that we feel that we have to do? Because the organization is not the issue. You have to address the issue – then the issue should be discussed in a closed session.

Mr. Kendrick continued by saying, leave the structure as it is – set the pay grade and set the title of the job. That is what my motion was for – this is the job title and this is the pay grade. Leave the structure where it is and then address it later.

Mr. Carter stated that a motion had been made and seconded that the new position be classified as Director of Parks, Recreation and Tourism – Grade 23 with a salary range of \$37,921 to \$52,809. VOTE: Mr. Hancock, aye; Mr. Carwile, nay; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye & 1 nay votes)

Mr. Carter then moved to the **CONSENT AGENDA: (items 5 – 12)**

5. Approval of Bills: Please approve bills as presented.

BOARD ACTIONS:

- 6. Planting of Dogwoods:** Approve by consent the request by the Memorial Garden Committee to plant white dogwoods on the bank beside the Library parking lot next of Lee Street.
- 7. American Legion Request:** Please approve request of American Legion Post 104 to hold a ceremony on the Courthouse grounds for September 11, 2003.

SUPPLEMENTAL APPROPRIATIONS:

- 8. Sheriff's Department:** Please approve the following supplemental appropriations as requested to roll over remaining grant funds:

3101-1004	DMV Overtime	\$693.67
3101-2001	FICA	\$189.45
3107-1004	DMV Overtime	\$1,166.15
3107-2001	FICA	\$98.26

- 9. FY 2003 Balancing Transactions:**

Please approve the following retroactive supplemental appropriations required to balance line items for the year ended June 30, 2003. Funds were expended in the FY03 budget year from the County's General Fund:

- a) 2107-1001 - Salaries & Wages \$1,111.23 to reflect salary supplement

- that was not transferred to this category.
- b) 3102-1001 - Salaries & Wages \$9,590.10 to reflect the County's match for the Law Enforcement Nurse Grant that was not included in FY02 budget.
 - c) 3102-2002 - VRS \$1,958.34 to reflect corresponding VRS for the unbudgeted salary in 3102-1001.
 - d) 3102-2005 - Blue Cross \$10,892.79 to reflect additional premiums paid for employees that were hired or added insurance during enrollment period.
 - e) 3104-1001 - Salaries & Wages \$1,002.43 to reflect salary supplement that was not transferred to this category.
10. **General Properties:** Please approve supplemental appropriations as requested to Reflect receipt of insurance payment for an HVAC damaged by lighting.
4302-3001 Professional Services \$1,150.00
11. **Library:** Please approve supplemental appropriations as requested:
7301-5411 Books \$431.18
7301-5401 Office Supplies \$273.57
12. **Temporary Courthouse – School:** Please approve the following supplemental appropriation for \$26.13 as requested by the School Board to reflect money owed on utilities to operate the temporary courthouse.

Mr. Moore made a motion seconded by Mr. Kendrick to approve the **Consent Agenda** (items 5-12) as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS: (items 13-17)**

13. **Update on County Projects:** Updates on projects.
Mr. Carter complimented Mr. Carroll on this report. The Board wished to receive this report on a monthly basis and include a report from Building & Housing
14. **Letter from the Honorable Virgil H. Goode, Jr.:** Letter regarding the determination reach at the meeting concerning the possible study for incorporating Sailor's Creek Battlefield under the management of the Appomattox National Park.
15. **School's Monthly Financial Report:** Financial Report for the month of September, 2003.
16. **Letter from J. Carlton Courter, III – Dept. of Agriculture and Consumer Services:** Letter received regarding the County's request for disaster designation as a result of the excessive rain received this spring and summer that has impaired farmers.
17. **Supervisor's Concerns:** Mr. Carter asked if any member had a specific concern to discuss at this time.

Mr. Carwile stated it had been brought to his attention that on the parcel of land that the County owns in back of the courthouse adjacent to J. E. Sears that Mr. Emmett Knight had an operation pouring septic tanks. He has his own trucks etc., Mr. Knight stated that Brandon Stidham, under the direction of the County Administrator, informed him that he had to move this operation. Mr. Carwile understood that there was some uncertainty regarding the property line and when Mr. Knight was told to move his operation, he did as he was told and moved his operation to Lynchburg. It is a shame to loose businesses here when we are trying to get other businesses to locate in the County.

Mr. Carroll stated that the circumstances were entirely different from those stated tonight. As Mr. Carroll remembers about two years ago Mr. Knight established that he was working with J. E. Sears and was pouring the tanks on that property, Mr. Carroll talked with Al Sears at the time because he was concerned about any structures that may be built. It was his understanding that Mr. Knight operated his business until the construction on the courthouse began. Mr. Carroll does not recollect anything transpiring between Mr. Stidham and Mr. Knight and the county certainly did not make him move this business. Mr. Moore can attest to where the property line was located and Sears did have to move some materials that were located on the county's property.

Mr. Carter stated that the Board needed to enter into a closed session as per §2.2-3711 A.1 of the Code of Virginia, for the purpose of discussing a personnel matter specifically an appointee of the Board and also salary and organizational structure.

At 8:52 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to enter into a closed session as per §2.2-3711 A.1 of the Code of Virginia to discuss a personnel matter – an appointee of the Board and also salary and organizational Structure. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 10:14 p.m. Mr. Hancock made a motion seconded by Mr. Moore to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2,2-3711 A.1 – of the Code of Virginia, for the purpose of discussing a personnel matter specifically an appointee of the Board and also salary and organizational structure.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick aye; and Mr. Carter, aye. (5 aye votes)

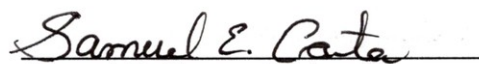
Mr. Carter asked if there was any action to be taken as a result of the closed session.

Hearing none, Mr. Carter reminded the Board of Upcoming Meetings:

Tuesday, September 2, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, September 15, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

At 10:17 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.


Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, September 2, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers at the Appomattox Town Hall, located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock - Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District

ABSENT: Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
Dan Siegel, Attorney – Sands, Anderson, Marks & Miller

At 6:36 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter welcomed everyone present and stated the first item of business was the **Citizen's Public Comments:**

Mr. Kevin O'Brien of Route 3, Box 53, Appomattox came forward and stated they there had been a great outpouring at the Public Hearing regarding Mobile Homes as Accessory buildings. The majority of the citizens do not wish to see this ordinance put into effect. The Planning Commission and a lot of citizens are concerned about the way this County is beginning to look. A lot of people that voiced their opinions against this ordinance are people who are involved in the mobile home business in some capacity. After talking to some of these people he is of the opinion that the County needs to set some guidelines, possibly a conditional use so we can control how and where and that they are put up properly and that they meet the required zoning ordinances. The Board needs to take some type of action on this issue. He thinks that we should modify the draft ordinance and urges the Board to take some type of stance on these units. He still feels that in areas where mobile homes are not allowed as residences, should still be zoned against the use of these as storage facilities.

Mr. Carter questioned if the Planning Commission was going to revisit this issue.

Mr. O'Brien stated that this was totally from a personal aspect and he was speaking for himself.

Mr. Carter next called **Mr. Gary Heiser – Department of Forestry** to address the Board. Mr. Heiser is here to present the Board with a check for a portion of the funds received from the sale of timber from the Appomattox-Buckingham State Forest.

Mr. Heiser stated that the State Forestry Department is a self supporting operation and does not receive does not receive any tax money for its operation. It generates revenue through the sale of timber. This past year they sold around \$187,000 worth of income. In lieu of taxes they pay out 25% of this income to the County. This year this amounts to \$48,416. Mr. Heiser also stated there was not a lot of news regarding the Forestry Department this year. The timber sales was 71 acres of final harvest and 150 acres of pine thinning. The good news is that they have about 25% more volume of forests than they did last year

Mr. Heiser answered several questions regarding the management of the forest and the history of the Forestry Department.

Mr. Carter thanked Mr. Heiser for his presentation of the check and also for answering the questions from the Board.

Mr. Carter next called **Mr. Bill Hogan, President – Pamplin Volunteer Fire Department** to address the Board. Mr. Hogan is requesting that the Board adopt a

resolution regarding the need for the creation of a First Responder program by the Pamplin Volunteer Fire Department.

Mr. Hogan introduced Mr. Keith Vogt who is also with the Pamplin Volunteer Fire Department. Since Pamplin is on the outlying border of Appomattox/ Prince Edward Counties, generally speaking it takes a rescue squad on the average of 20 to 30 minutes for a squad to reach the scene. If the squad comes from Farmville or Charlotte County it still takes the same amount of time or longer. Pamplin is fortunate in that about one-quarter of their fire department personnel are trained EMT's or higher. Several years ago the fire department started getting medical calls – CPR in progress, heart attacks, etc. We started thinking that obviously there was a need for this type of service. That raised questions about liability issues of responding to a medical incidence instead of a fire.

Mr. Hogan explained that a First Responder program is. Basically it is a medical emergency person what can respond quickly, provide first aid, CPR if necessary, set a broken bone or communicate with the rescue squad that is en-route to let them know what you have, the status of the patient while they are on the way. A First Responder is NOT a transporting agency. The rescue squad still has to respond. They are not trying to replace the rescue squad, but supplement what they do because in a life-threatening situation every minute counts. They have finally gotten their ducks in a row and there is a lot of paper work involved in the licensing process. One of the thing necessary is a resolution from governing body dedicating them as an "Emergency Medical Service Provider for the County.

They are well on the way to getting this done. They have started getting donations from citizens, Spout Spring Ruritan Club, Prince Edward Board of Supervisors has donated \$2,500. He is not asking the County for any monies tonight, but they will be putting it in their budget request for next year. The City of Chesapeake has given them a vehicle which needs a little work, but it was free. Things have started coming in, but they still have a lot of things they need to buy. They would like to be operational by the end of this year.

Mr. Carwile questioned if the donation from Prince Edward was strictly for the EMT program or the fire department. The answer was the EMT program only.

Mr. Carter stated that the Pamplin Town Council has already adopted a motion to create the Pamplin Medical Emergency Services program.

After a brief question and answer period, Mr. Moore made a motion seconded by Mr. Carwile to adopt the following resolution:

EMERGENCY MEDICAL SERVICE RESOLUTION

The purpose of this resolution is to take the required initial steps by the Town of Pamplin to enable an Emergency Medical Service (EMS) agency to form under the Pamplin Volunteer Fire Department.

WHEREAS, there is a compelling need for EMS to serve the region in and around Pamplin and,

WHEREAS, by enabling the formation of an EMS agency, now a First Responder capability can be established and be operational immediately and,

WHEREAS, this resolution and consequent action is in accordance with the Community Facilities and Services Objective C, Strategy 4) Task g) of the Appomattox Community Development Plan adopted by Appomattox County on April 7, 2003 and the Town of Pamplin on May 1, 2003,

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox County Board of Supervisors does hereby resolve that an Emergency Medical Service should be created as an agency under the Pamplin Volunteer Fire Department.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

Mr. Carter moved to the **ADMINISTRATIVE ITEMS: (items 1-5)**

1. Planning Commission Recommendations: The Planning Commission has submitted its recommendations from the Public Hearing of August 18, 2003.

Petition 03-525 – 460 Mini Storage Inc. is a conditional use permit and requires no special motion.

Petition 03-523 – Courtland Realty/S.L.Ferguson III requires two separate motions to accept the recommendation as submitted for rezoning and conditions.

Mr. Kevin O'Brien passed out information and made a presentation for the petitioner (03-523) concerning the development of this project. All the homes in this development will be owned by the residents on property leased from the landowners. These homes will all be double-wide mobile home units. There will be no single wide units allowed. There will be two (2) entrance/exits from the property on Route 26 and will be approved by VDOT. The property contains approximately 90 acres and will contain around 250 to 300 units when fully developed. The original plan was to hook-up to the Town water/sewer system. Discussions with the Town have deteriorated and this will probably not happen at this time. The developer is now requesting to replace wording in the Planning Commission's recommendation, item 3 – "shall be served by public water and sewer" to "may be served by public water and sewer". Private wells and private septic systems would be used until such time public water and sewer becomes available. There was also some thinking that the Town would adjust the boundaries so as to incorporate this subdivision into the town limits. The owners have not opposed this, but there are not necessarily in favor of it either.

The County would derive more revenue if it were left as it is. The water and sewer lines would be paid for by the homeowners thereby being no cost to the County or the Town. The streets will also be maintained by the owners, and will be approved by VDOT.

The developers are asking the Board of Supervisors to make these changes to the conditions and hopefully approve this petition tonight.

There were several questions raised as to the development of the whole 90 acres; the portion that will be set aside for recreation; the visibility and effects on the adjacent property owners; units will be taxed as personal property or real estate.

Mr. Carter and Mr. Carwile both expressed concern regarding the location and what the Town plans to do regarding the water/sewer issue.

Mr. Gary Warner, the developer attempted to answer all questions regarding the development.

The Board by consensus tabled **Petition 03-523 – Courtland Realty/S.L. Ferguson, III**, until the September 15th, meeting after the Town Council has addressed this issue.

Mr. Carwile made a motion seconded by Mr. Hancock to approve the Planning Commission's recommendation of **Petition 03-525 – 460 Mini Storage L.L.C** to allow an on-site managers apartment at an existing self-storage business. VOTE: Mr. Hancock, aye; Mr. Carwile aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

2. **Proposed Ordinance Revision:** A Public Hearing was held on August 18, 2003 regarding the proposed change ordinance amendment to §§170-36 & 170-37, Uses in the R-1 Residential District of the Appomattox County Code that deal with the location of a mobile home in the R-1 Residential District for the purpose of assisting an elderly or infirmed family member.

Mr. Carter read the amendment.

Amendment to Article VII, Residential District R-1:

§170-36 – Permitted Uses:

- A. Within Residential District R-1, the following uses are permitted.

- (8) ~~Mobile homes, provided that the mobile home is used to house the elderly [over sixty five (65) years of age] or infirmed family member(s) and a statement of non objection is provided signed by adjoining property owners and/or residents.~~ **TO BE REPEALED**

§170-37 - Conditional Uses:

- B. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and are in the public interest, the following uses are permitted:

ADD (8) Mobile homes, provided that the mobile home is used to house a specific, named elderly [over sixty-five (65) years of age] or infirmed family member(s) and a statement of non-objection is provided signed and notarized by all adjoining property owners and/or resident. A statement of compliance signed and notarized by the property owner shall be filed annually with the zoning administrator.

Mr. Moore thinks this is a good idea.

Mr. Carwile is pleased with the Planning Commission.

Mr. Moore made a motion seconded by Mr. Carter to adopt the amendment to Sections 179-36 & 170-37 as written.

Amendment to Article VII, Residential District R-1:

§170-36 – Permitted Uses:

C. Within Residential District R-1, the following uses are permitted.

(8) ~~Mobile homes, provided that the mobile home is used to house the elderly [over sixty five (65) years of age] or infirmed family member(s) and a statement of non-objection is provided signed by adjoining property owners and/or residents.~~ **TO BE REPEALED**

§170-37 - Conditional Uses:

D. When, after review of the application and hearing thereon, the governing body finds as a fact that the proposed use or uses are consistent with the intent of this chapter and are in the public interest, the following uses are permitted:

ADD (8) Mobile homes, provided that the mobile home is used to house a specific, named elderly [over sixty-five (65) years of age] or infirmed family member(s) and a statement of non-objection is provided signed and notarized by all adjoining property owners and/or resident. A statement of compliance signed and notarized by the property owner shall be filed annually with the zoning administrator.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter moved to the next item on the agenda – **Consent Agenda: (items 6 -14)**

6. Approval of the Bills: Please approve bills for payment as presented.

7. Approval of Minutes: Please approve minutes of Regular meeting on July 7, 2003; and Regular meeting on July 21, 2003.

BOARD ACTIONS:

8. Emanuel Tire: Please approve request by Emmanuel Tire to extend the trial period for extended hours of operation to November 3, 2003 under the same conditions as previously approved by the Board in July 2003.

9. **Festival Permits:** Please approve festival permits and waiver bond and fee requirements as requested:

Stonewall Vineyards & Winery – Summer Coolers V & VI on September 6 and September 20 from 4:00 p.m. to 7:30 p.m.

Appomattox Chamber of Commerce/Reenactment 2003 –
September 13 & September 14, 2003.

SUPPLEMENTAL APPROPRIATIONS:

10. **Courthouse Connector:** Please approve supplemental appropriation for:
5309-3003 Professional Services – Connector \$2,947.75
11. **Museum Repairs:** Please approve supplemental appropriations to reflect work performed on the Museum as authorized by the Board:
4302 – 7008 Museum \$875.00
12. **Country Haven Estates:** Please approve supplemental appropriation to reflect payment received from VDOT for funds remaining from the Chestnut Mountain Road project.
4101-3002 Professional Services \$8,000.27

Line Item Transfers:

13. **Library:** Please approve line item transfers as requested: (The Library budget for FY04 was approved a lump sum and these transfer place funds in the correct categories:

7301-1001	Delete: \$59,365.00	New Total: \$74,435.00
7301-1003	Add: \$19,900.00	
7301-2001	\$5,700.00	
7301-2002	\$8,200.00	
7301-2005	\$7,100.00	
7301-2009	\$184.00	
7301-3002	\$2,400.00	
7301-3004	\$11.00	
7301-5101	\$5,875.00	
7301-5103	\$375.00	
7301-5201	\$200.00	
7301-5203	\$2,950.00	
7301-5401	\$100.00	
7301-5411	\$5,500.00	
7301-7001	\$870.00	
TOTAL		\$133,800.00

14. **Department of Parks, Recreation & Tourism:** Please approve line item transfers to reflect the salary adjustment made for Director's position that was unbudgeted in the FY04 budget:

Delete: 1101-5804 Operating Reserve \$12,836.00

Add:	7102-1001	Salaries	\$10,818.00
	7102-2001	FICA	\$828.00
	7102-2002	VRS	\$1,190.00

Mr. Carter made a statement thanking Mr. Carwile and Mr. Moore for the participation in the Museum project, item #11 .

Mr. Carwile stated he had only good things to say about item #12 – Country Haven Estates project.

Mr. Carter asked if all the paper work was in place for the Re-enactment of 2003: permits, insurance, etc.

Mr. Carroll stated that as far as insurance was concerned everything is in order.

Mr. Carwile made a motion seconded by Mr. Moore to approve the **Consent Agenda (items 6-14)** as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

15. **Appomattox Town Council Agenda:** Agenda for Town council meeting/workshop of August 25, 2003.
16. **Letter from the Honorable Mark Warner:** Letter from Governor Warner concerning the requested designation for emergency assistance program.
17. **VDOT Six Year Program Public Input:** Letter regarding the six year improvement plan public comment period. This is for the primary road system.
18. **AVFD Groundbreaking:** AVFD groundbreaking ceremony is scheduled for Wednesday, September 3rd at 4:00 p.m. at the site of the new building.

Mr. Carter next called for **Supervisor's Concerns: (Item 19)**
No one had any concerns to discuss at this time.

Mr. Carter then stated items 3, 4 and 5 of the agenda would be discussed.

3. **Parks Authority:** Staff has submitted a draft ordinance for the creation of a Parks Authority for the purpose of operating recreation and tourism programs. Also a memo which outlines the reasons that the creation of the authority would further the Board's goals regarding the tourism program. This ordinance will need to go to a public hearing if the Board wishes to proceed with the creation of the authority.

Mr. Carter stated that this subject had been discussed in great detail at a previous meeting. Since Mr. Kendrick is not present tonight, Mr. Carter asked if the Board would table this issued until the next meeting on September 15th.

Mr. Carwile suggested that each member be prepared to submit names for this Authority at the next meeting.

Mr. Moore feels this is the best thing to do.

4. **Resolution for Stan Goldsmith:** Staff has prepared a resolution recognizing the significant efforts that Mr. Goldsmith has made on behalf of Region 2000 and Appomattox County as Program Director for the Region 2000 Economic Development Partnership for the past six years.

Mr. Moore made a motion seconded by Mr. Hancock to adopt the following resolution:

**RESOLUTION HONORING
STANLEY I. GOLDSMITH
ON THE OCCASION OF HIS RETIREMENT FROM
THE REGION 2000 ECONOMIC DEVELOPMENT PARTNERSHIP**

WHEREAS, Stanley I. Goldsmith has faithfully served the Region 2000 Economic Development Partnership as Program Manager and Executive Director for the past six years; and

WHEREAS, Stanley I. Goldsmith, in this capacity, has tirelessly provided leadership in the regional economic development arena; and

WHEREAS, Stanley I. Goldsmith has represented Region 2000 in a professional manner in all contact with regional business leaders, state economic developers, Region 2000 member jurisdictions, and other individual, agencies and organizations; and

WHEREAS, Stanley I. Goldsmith has fostered unique programs that provide services to existing businesses, engage young adults in defining their community, introduce teenagers to the industrial work environment, and emphasize and improve the technological attributes of the region; and

WHEREAS, Stanley I. Goldsmith has steadfastly supported the region's local economic development efforts and has provided valuable information and advice to further the cause of economic development in Appomattox County.

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors, in recognition of his value to Appomattox County and to the region, do hereby honor Stanley I. Goldsmith upon his retirement from the Region 2000 Economic Development Partnership and wish him continued health, happiness and success in all his future endeavors.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

5. **Courthouse Change Orders:** Change orders requests as presented by J. E. Jamerson. These orders were prepared at the request of the County staff to

implement work that is outside of the current construction scope. The first Change Order involves the placement of conduit from the utility pole to the stubbed conduit exiting the building. This will provide electrical service to the new courthouse. The second Change Order involved extension of the communications backbone network from the new courthouse to the other buildings in the complex. The purpose of the communications backbone is to allow for a centralized phone system for the entire complex that would be housed in the new courthouse and also to allow for a centralized server to allow for one internet access point. Staff believes that the change orders will allow for coordination of the improvements with ongoing construction and allow for the utilization of the communications backbone when the courthouse is completed.

Mr. Hancock made a motion seconded by Mr. Moore to approve the Courthouse Change Orders as submitted. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next stated the Board needed to enter into a closed session for the purpose of discussing a personnel issue.

At 7:50 p.m. Mr. Hancock made a motion seconded by Mr. Carwile to enter into closed session in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussing a personnel issue. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

At 8:10 p.m. Mr. Moore made a motion seconded by Mr. Carwile to return to open session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2,2 – 3711 A. 1 – of the Code of Virginia, for the purpose of discussing a personnel issue.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

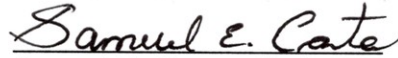
ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter asked if there was any action to be taken as a result of the closed session.

Mr. Carter made a motion seconded by Mr. Carwile to execute the letter of agreement to hire J. G. Overstreet as the County Attorney. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carroll reminded everyone of the meeting on September 25, 2003 at 6:30 p.m. with the Appomattox Town Council.

At 8:10 p.m. Mr. Moore made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).


Samuel E. Carter, Chairman

On Monday, September 15, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office Building, Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
J. G. Overstreet – County Attorney
John K. Spencer – Assistant County Administrator
Brandon Stidham – County Planner

At 6:33 p.m. Mr. Carter declared the meeting was in session and gave the invocation.

Mr. Carter then opened the meeting for **Citizen Public Comments:**

Mr. Don Austin, VDOT Resident Engineer came forward and stated that a public hearing had been held regarding Route 641 (Church Street). He would like for the Board to issue a letter or a resolution of support for the project. Preferable something this month.

Mr. Austin also stated that the 6 Year Plan was forthcoming and a work session would need to be scheduled for the end of October.

Mr. Austin also stated that the three roads in the County which had been closed for construction were now open. Also the E-911 signs had been erected.

A resolution will be drafted and presented at the October 6th meeting. The scheduling for the 6 Year Plan will also be discussed at this meeting.

Mr. Carter thanked Mr. Austin for his comments.

Mr. Kevin O'Brien came forward to discuss Petition #03-523 – Courtland Realty/S. L. Ferguson III. Mr. O'Brien had distributed information regarding water/sewer for this project. Mr. O'Brien also stated that Mr. Brian Anderson was present to answer any questions regarding the AdvanTex System and any other mass drain field systems. The type of soil on the sub-division site are Cecil soils which are the best drain field soils in our area.

Mr. O'Brien addressed the issues of drain field failure and what is in place to protect residents should the project suffer bankruptcy in the future. With the amount of money that is invested in this project, all these issues have been taken into consideration. This project was not jumped into without a lot of thought and safeguards being in place. Mr. Carwile would like to address the instilled fears on the mass drain fields. All this is based on square footage. If these systems are serviced and cleaned using the proper chemicals, they should last for years. Also, today you are required to have a reserve.

Mr. Anderson stated that with the mass drain fields, you are under new regulations, to protect groundwater. Mr. Anderson also talked about the AdvanTex system at length.

Mr. Carter thanked Mr. O'Brien and Mr. Anderson for their comments.

Mr. John Wilson came forward to voice his concerns on the Parks, Recreation and Tourism Authority, the Industrial Development Authority, the Board of Supervisors, County Administration, as well as the County School Board.

Mr. Carter asked if anyone else present wished to speak.

At 6:53 p.m. Mr. Carter called for a short recess.

At 7:00 p.m. Mr. Carter re-convened the meeting and stated there would be a Joint Public Hearing with the Planning Commission:

PRESENT: (Planning Commission)

Kevin O'Brien – Chairman
 Al Sears – Vice-Chairman
 Jerry Hughes
 Steve Conner
 Robert Johnson
 Susan Hudson
 Marvin Mitchell
 Jim Seftor
 John Wilson

ABSENT: (Planning Commission)

Calvin Tanner

Mr. Carter then read the following statement and turned the meeting over to Mr. Stidham: This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Stidham read the first petition:

#03-526 – John & Linda Eby: Conditional Use Permit to operate a shooting preserve in the A-1 Agricultural District per §170-34(A)(32) of the Appomattox County Zoning Ordinance. Property is located on Route 609 between Rt. 608 and Rt. 698, Tax Map #60(A)7.

Mr. Stidham called for comments for this petition.

Mr. Jack Eby, 155-M2, Concord, Va. came forward . He would like to open a shotgun target shooting facility. He operated one in New Jersey for 20 years. All stations will be set up in the scenic woods where shooters can stop and shoot at targets representing different types of animals. The shots will be set up in low sections where natural hills will serve as backstops and reduce the noise levels and you will know where the shots will end up. They will also have the 5-stand clay shooting area for those who do not wish to hike through the woods. This will make a fine sport for men, women and children who enjoy the sport of shooting.

Mr. Carter asked for clarification on the hours of operation: 9 A.M. to dusk on Thursday through Sunday.

Mr. Stidham called for other comments on this petition, hearing none he read the next petition.

#03-527 – Peggy Rogers/Frank Carwile: Conditional Use Permit to site a mobile home in the V-1 Village District per §170-43(A)(18) of the Appomattox County Zoning Ordinance. Property is located on Route 26 between Rt. 660 and Rt. 608, Tax Map #38(A)77A.

Mr. Stidham called for comments for the petition.

Ms. Nancy Marks of Route 6, Box 1575, Appomattox, Va. came forward. Ms. Marks stated she would be making this mobile home her home if this petition is approved. She has lived in Appomattox about 30 years. She is a Christian lady, looking for a quite life

style, in a safe and quite neighborhood. Her son was formally the Animal Warden for the County of Appomattox, a cardio-tech with the rescue squad and is now serving in the military overseas.

Plans are to place this mobile home some 400 feet from the highway toward the back of the lot with landscaping. She is looking for a place where her grandchildren can be safe playing outside. Ms. Marks concluded by asking the Planning Commission and the Board of Supervisors to approve this petition.

Mr. Wayne Phelps, whose address is P.O. Box 386, Appomattox stated he owns the property adjacent to the property in question. He feels Ms. Marks will make a fine neighbor.

Ms. Ann Coleman of Jim Nolan Real Estate come forward and stated she is the realtor working with Mrs. Rogers, the present owner of the property. They have been trying to sell this property for some time and feel that this mobile home would fit well in the neighborhood and be an improvement to the property in general.

Mr. Stidham called for comments against the petition.

Mr. James Burcher of Route 4, Box 504, Appomattox came forward. Mr. Burcher stated he is representing his parsonage committee and trustees of adjoining property. There are two churches involved and he is expressing the concerns of those church members. He thanked Mr. Stidham for explaining to him the zoning ordinance this past week. The membership of his church is totally against the issuance of this permit. There are several mobile homes in this area that were placed prior to zoning requirements. Once a mobile home is approved for an area, they are seldom ever removed. On behalf of the members of his church he is requesting that this petition be denied.

Mr. Stidham called for other comments on this petition. Hearing none, he read the next petition.

#03-528 – David & Helen Moseley and Wanda Lawhorne: Conditional Use Permit to operate a private campground in the A-1 Agricultural District per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Route 647 between Rt. 668 and Route 613, Tax Map No. 49 (A)31.

Mr. Stidham asked if anyone wished to speak for this petition.

Mr. David Moseley of Boonesboro Road, Lynchburg, Va stated he had recently purchased this property (52 acres) which is zoned Agricultural. He plans to clear about 10 acres and put up two (2) permanent residences. They wish to allow a few of their friends to put campers on their property so they could be used maybe on weekends, holidays, and just for visiting and enjoying a relaxed atmosphere and enjoy each others company. They would like to allow access to water, sewer and electricity hookups. Mr. Moseley emphasized that these campers would remain on the property and would not be

going in and coming out. They will not be lived in all year round. He was concerned about the article in the newspaper stated they would operate a "Private Campground". They are not attempting to establish and operate a "campground". They do not wish to be in the campground business, advertising lots, charging fees, etc. He feels that the latest advertisement in the local newspaper was a "paid for advertisement" to get citizens to come out and speak against this petition. He feels this advertisement was full of very false and misleading information to get people to request that this petition not be granted.

Mr. Moseley stated he was already operating a family business and had no intentions of operating another business. He thanked the Board for their time.

Mr. Stidham called for comments against this petition.

Ms. Deborah DuPont, Route 1, Box 2325, Spout Spring, Va. Ms. DuPont stated she had placed the ad in the newspaper so everyone would be aware of what the potential risks of this community going in Spout Springs. According to the Code of Virginia §35.11 – a camping community is defined as a "campground" if it consists of 3 or more campers. Therefore, this proposed community would be a campground. It would be difficult to regulate this type of community because it is meant to be private.

Ms. DuPont questioned, if there was not a sewer system, where will these units dump their sewerage. It does not seem feasible for two (2) families to provide water, sewer and electricity for these 15 campers without charging some type of fee. Transient people coming and going over the weekends do not benefit the County. This seems to her to be similar to a mobile home park. There are already three (3) regulated campgrounds located in Appomattox County. This appears to be a self-serving entity just for these few people and does not generate any tax base for the County.

Mr. Stidham called for other comments against this petition.

Ms. Linda Waller, Route 1, Box 2786, Spout Springs, Va. Ms. Waller lives on Route 647 immediately adjacent to the property in question. She also has a letter from Norma Johnson who also owns property in this area. They are both opposed to this campground. She built her home 13 years ago and has worked very hard to maintain her privacy and quiet. She does not stay in the house all the time, she uses all of her land. She hunts and shoots on her property. She is most opposed to the travel, noise and increased people. She has animal pens on the back of her property. She is concerned that there people coming in for the weekend will allow their animals to run loose and harm hers.

She is concerned about this property being re-zoned because it opens up the possibility of permanent campgrounds in the future.

Ms. Ann Riley was the next person to come forward. Ms. Riley gave her address as Route 3, Box 329, Appomattox, Va. in the Oakville community. She has ties with Paradise Lake Campground. She has issues with public safety- fire and police. Will there be fire hydrants or a water source in case of emergencies. Most campers carry propane

and these units are placed rather close together. The campgrounds already located in the County generate revenue in the form of sales taxes, etc. It was stated that these campers would only be there on the weekend. This is not exactly true. They have on occasion, spent the whole summer at Paradise Lake Campground.

The next person to speak was Mr. Robert Dunnam III who lives in LynHill Estates Subdivision which borders the property. This is a close neighborhood where you do not hear anything from anyone, unless something happens and you need help. When we heard about this campground situation, everyone became concerned. As far as someone moving in and building houses, we do not mind that, we welcome neighbors, but we do not want a campground. This property belonged to Westvaco, and was wooded, now it is cutover. In the fall, when the leaves all come off the trees, you will be able to see all of this property and a campground will destroy the beauty of the wooded area. There are a lot of children in this neighborhood and safety is a main concern.

Ms. Ida Belle Campbell came forward, stated her address as P.O. Box 747, Appomattox, Va. Ms. Campbell lives on State Route 668 in Spout Spring, Va. She has lived in this area for the last 17 years and this is a quite, peaceful community. If this zoning is approved it would create an influx of traffic, noise and strangers. She would be very concerned about letting her grandchildren outside where strangers could just walk through the woods to her property. Ms. Campbell presented a petition with 71 signatures of property owners within one mile to one and one-half miles of the property in question. She also presented a letter from one citizen who was unable to attend tonight's meeting. Ms. Campbell and the signers of this petition are requesting that the proposed re-zoning not be approved.

Mr. Stidham called for additional comments against this petition. Hearing none, Mr. Stidham closed the public hearing at 7:35 p.m. and stated the Planning Commission would be meeting at the Jamerson Memorial Library.

At 7:45 p.m. Mr. Carter re-opened the Board of Supervisor's meeting

Mr. Carter called **Mr. Stewart Robinson, Carver Price Alumni Association** to address the Board. Mr. Robinson has asked to speak tonight concerning a proposed use for the old elementary school building. Staff reminded the Board that the School Board and Board of Supervisors have a committee that is looking into this and other property owned by the two entities. The School Board presently owns the old elementary school building.

Mr. Robinson passed out his presentation. He stated that they had held a school reunion recently and had received many calls regarding the success of this event and would like to continue this as a tradition. They had to limit their attendance to about 450 individuals due to the space available. They expect to double their attendance at the next reunion. They are concerned about the status of the building as well as the uses for this property. Carver-Price has a long history and they would like to see this building preserved and converted back to its original intended use – to be used to educate citizens of this County.

They think this building should serve as a focal point for the community. This can be accomplished by increasing economic growth, tourism and by expanding the educational opportunities for the citizens of our community as well as those of surrounding counties by establishing an other community center and museum in the county. These are just a few of the uses for the former Carver-Price School. They are excited the Central Virginia Community College is interested in operating a satellite campus in Appomattox. This historical building is ideally suited for this project. This alumni association is requesting that this facility be re-named the Carver-Price Educational Complex.

Mr. Kendrick stated that he is on the Elementary School Committee and fully supports the efforts of the Alumni Association in preserving this building.

Mr. Carter next called **Mr. Stan Shoun, Vice President of Workforce Development-CVCC** to address the Board. Mr. Shoun along with Mr. Bill Spruill and Ms. Kim Ray will discuss their interest in the development of off campus programs in Appomattox.

Ms. Kim Ray asked that Ms. Anne Dixon – Director of Parks, Recreation and Tourism explain how all of this came about. Ms. Dixon stated she is 100% in support of this program. She had attended CVCC for two years for an Associate Degree. This type of program would open up a chance for many of our citizens to continue their education that otherwise may not have the opportunity to do so.

Mr. Stan Shoun stated that Dr. Darrel Staadt, President of CVCC came to the institution about four years ago with a vision – a simple vision of taking the college back to the community. It sounds easy but it is not as easy as it sounds. They now have two (2) satellite campuses in operation in Altavista and Brookneal. They are ready to break ground on another one in Bedford in the next 2 to 3 weeks. These operations are based on what the community wants and needs. His job is to work with the community to determine what their wants and needs are. Prospective businesses are looking for trained workers. In the future, 75% of the work forces will want and need a 2 year degree in college education. Last year alone, 431 students from Appomattox attended higher education institutions with 220 of those attending CVCC. Mr. Shoun thanked the Board for allowing him to speak with them tonight.

Ms. Kim Ray stated she was the product of a satellite campus and is also receiving an advanced degree. She is also an instructor in junior college therefore, she is looking at this from both the student's and instructor's point of view. The #1 factor in a continued education is convenience. Ms. Ray is encouraging the Board of Supervisors to work with CVCC to open a satellite campus in Appomattox.

Mr. Carter thanked Mr. Shoun and Ms. Ray for their presentations.

Mr. Carter stated that they have heard from Mr. Robinson, and the representatives of CVCC regarding the establishment of a satellite campus in Appomattox, possibly utilizing the Carver-Price Elementary School. It was the consensus of the Board that the requests be sent to the Elementary School Committee.

Mr. Carter next called for **ADMINISTRATIVE ITEMS: (1-5)**

1. **Parks Authority:** The Board tabled this issue at the September 2nd meeting. By consensus the Board members agreed to bring possible appointees for the Park Authority to this meeting for consideration. Staff has drafted an ordinance (revised) and memo which outlines the reasons that the creation of the authority would further the Board's goals regarding the tourism program. A public hearing will be necessary to create the authority.

Staff recommends that the Board proceed to public hearing with the creation of the creation of the Parks Authority to assist in the implementation of the Board's tourism vision for the County.

Mr. Carter stated that he appreciated staff's efforts and time in preparing this information. He feels the Board may have baby-sitted this tourism program too long. In lieu of progressing any further with the establishment of a Parks Authority, that the organizational structure be left as it currently stands.

Mr. Carwile stated that he would have stated the same things that Mr. Carter did. He fully supports the idea of leaving things like they are.

Mr. Moore stated he has not changed his mind. He has felt from the beginning that the structure should stay as it is.

Mr. Kendrick is not in favor of forming any authority. He feels that receiving a status report for each department head will give the Board members the opportunity to know where various projects are and where they are heading.

Mr. Hancock also stated he was not in favor of forming any authority at this time.

It was the consensus of the Board to leave the organizational structure as it is.

2. **Planning Commission Recommendations:** Petition #03-352 – Courtland Realty/S. L. Ferguson III was tabled until the Appomattox Town Council had met to consider extension of water and sewer connections. Mr. David Garrett, Town Manager has notified the Board that the Council has denied the extension of these utilities because the developer had not provided engineering drawings of the proposed connectors. The petitioner appeared before the Board at the last meeting and requested a waiver of the public water and sewer condition placed on the petition by the Planning Commission. Two separate motions are required to approve the petition and the conditions as recommended by the Planning Commission.

Staff recommends that the Board discuss the waiver of conditions request and table the issue until the next meeting to allow for further reflection on this matter.

Further recommendations are for not granting a waiver to allow for a private water and sewer system without the system being engineered and approved by the Health Department. Staff also questions how a future failure of a privately owned sewer or water system would be addressed.

Mr. Carwile stated the Board was waiting for the decision of Town Council before making any decision on this petition. This project seems to be what this Board has been looking for as an instrument to increase our tax base in order to keep our real estate tax rate down. He sees this as a healthy project to help keep our taxes lower. As he sees it, this project would not affect our infrastructure as it will be an adult community only. He wonders if the Town Council sees something there that he does not see.

Mrs. Warner read a prepared statement concerning the development.

After a lengthy discussion regarding the private water and sewer system and the personal property tax vs real estate taxes, this item was tabled until the September 23rd meeting with Town Council.

Mr. Carter moved to the next item on the agenda.

3. Proposed Ordinance Revision – Mobile Homes as Accessory Buildings:

On August 18, 2003 the Board began a public hearing regarding this proposed change to the County ordinance. The change would have amended §170-82 of the County Code. The motion to send to public hearing was rescinded. The Board needs to make a determination on the action it wishes to take, if any, on this proposed ordinance. Options are: 1) Take no action, 2) approve amendment as written and send back to public hearing or 3) modify the amendment and send to public hearing.

Mr. Carwile stated that although the public hearing was not held as originally scheduled, the citizens had come to the meeting prepared to speak for or against this ordinance. They were allowed to do so. There is no way he can support this ordinance after all the negative responses stated.

It was the consensus of the Board not to adopt the proposed change to §170-83 of the Appomattox County Code.

4. Courthouse Project: The Courthouse Committee met on September 9th and recommended that the Board request an extension of time for construction delays caused by the unusually wet weather this year. Judge Poston has tentatively scheduled a meeting for September 25th for the County to provide an update on the project. The committee would like for Judge Poston to consider granting the time extension at this hearing. The Committee is also hopeful the connector plans will be finalized by that date and Judge Poston would also agree to amend his previous order to allow for the construction of the connector building between the old and new courthouse buildings.

Staff recommends the Board accept the Courthouse Committee' recommendation to request the time extension based upon delays associated with the weather.

After some discussion by Mr. Dan Siegel, Attorney for the Project, Mr. Kendrick made a motion seconded by Mr. Moore to have Mr. Siegel proceed with the request to Judge Poston for a time extension on the court order due to the unusually wet weather we have been experiencing. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

5. **Central Virginia Community Services Board:** The Community Services Board is requesting that the Board adopt a resolution allowing them to borrow \$126,895 over a five (5) year period to lease telephone equipment. It is estimated this equipment will generate a savings of \$82,205 over the five (5) year period.

As a member of the Community Services Board, Mr. Moore gave an explanation of the request. This system will allow them to tie all their various locations into one phone system, not at a cost, but a savings over a period of time.

Mr. Moore further explained that the Board would not be responsible for this expenditure, but that the Community Services Board needs to have the approval of the local jurisdictions to proceed with this.

Mr. Carwile made a motion seconded by Mr. Kendrick to adopt the following resolution regarding the expanded and upgraded telephone system for the Central Virginia Community Services:

RESOLUTION EXPANDED TELEPHONE SYSTEM

WHEREAS, Central Virginia Community Services wishes to expand and upgrade its current telephone system at a 5-year lease of \$126,895; and

WHEREAS, this amount will save Central Virginia Community Services approximately \$82,205 over the 5-year period; and

WHEREAS, the Executive Committee of Central Virginia Community Services, on August 27, 2003, approved entering into a lease with Central Virginia Communications and directed the Executive Director to contact each local jurisdiction to request approval to enter into a lease purchase agreement with Central Virginia Communications as documented in the attached Resolution; and

WHEREAS, this lease-purchase arrangement will save Central Virginia Community Services approximately \$82,205 over the \$209,100 cost of our current system over the same period:

THEREFORE, BE IT RESOLVED, that in accordance with the requirement of the Virginia Code, Section 37.1-197.11, the Appomattox County Board of Supervisors approves the request of Central Virginia Community Services to enter into a lease-purchase agreement with Central Virginia Communications to expand and upgrade the telephone system of Central Virginia Community Services at a 5-year lease of \$126,895.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next addressed the **Consent Agenda: (Items 6 – 10)**

6. **Approval of the Bills:** Approval bills for payment as presented.
7. **Approval of Minutes:** Approve minutes of Regular meeting on 8-4-2003; and Recessed meeting of 8-5-03.

SUPPLEMENTAL APPROPRIATIONS:

8. **Library:** Please approve the following supplemental appropriation as requested:

7301-5401 - Office Supplies	\$272.06
7301-5411 - Books	\$551.93
9. **Parks, Recreation & Tourism:** Please approve supplemental appropriation as requested: 7102-5803 - Refunds \$100.00
10. **Temporary Courthouse – School:** Please approve the following supplemental appropriation for \$22.71 as requested by the School Board to reflect money owned on utilities to operate the temporary courthouse.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the Consent Agenda as submitted. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next addressed the **INFORMATIONAL ITEMS: (items 11-15)**

11. **Appomattox Town Council Meeting:** Agenda for Town Council meeting/workshop held on September 8, 2003.
12. **Monthly Update:** Monthly updates on County Projects.
13. **IDA Website Press Release:** Press Release regarding the IDA's Website.
14. **School's Monthly Financial Report:** Financial Report for the month of October 2003.

Mr. Carter next called for **SUPERVISOR'S CONCERNS:**

15. **Supervisor's Concerns:** Mr. Carter asked if there were any Supervisor's Concerns:

Mr. Carter expressed congratulations to Mr. Wayne Phelps and the Re-enactment Committee for a job well done.

Upcoming Meetings

Tuesday, September 23, 2003
Joint Meeting with the Appomattox Town Council
Presentation of Water Study
Council Chambers – Appomattox Town Office
6:30 P.m.

Monday, October 6, 2003
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 P.M.

At 9:10 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to recess until 6:30 p.m. on Tuesday, September 23, 2003 for a joint meeting with Appomattox Town Council. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Samuel E. Carter, Chairman

On Tuesday, September 23, 2003 the Appomattox County Board of Supervisors and the Appomattox Town Council held a joint meeting in Council's Chambers at the Appomattox Town Office, located on Linden, Street.

PRESENT: (Board of Supervisors)

Mr. Jesse L. Hancock – Falling River District
Mr. Frank H. Carwile – Wreck Island District
Mr. Russell H. Moore – Piney Mountain District
Mr. Samuel E. Carter - Courthouse District

ABSENT: (Board of Supervisors)

Mr. Jerry G. Kendrick – Appomattox River District

PRSENT: (Appomattox Town Council)

Mr. Ronald Spiggle – Mayor
Mr. Marvin Mitchell
Mr. Norman (Jimmy) Mayberry
Ms. Joyce Bennett
Mr. Steve Lawson
Mr. Lewis McDearmon (arrived at 6:40 p.m.)

ABSENT: (Appomattox Town Council)

Mr. W. H. (Buddy) Carson

ALSO PRESENT:

Mr. Andy Carroll – County Administrator

Mr. John Spencer – Assistant County Administrator

Mr. Johnny Overstreet – County Attorney

Mr. David Garrett – Appomattox Town Manager

Ms. Bobby Jean Mullins – Administrative Assistant Town Office

Mr. Bill Phillips – Town Attorney

At 6:32 p.m. Mr. Spiggle opened the Town Council meeting.

At 6:33 p.m. Mr. Carter opened the meeting for the County Board of Supervisors which was recessed from Monday, September 15, 2003.

The first item on the agenda was a presentation by Mr. Walter Hancock – Wiley & Wilson - Water Source Study for the Appomattox area.

Mr. Hancock began by passing out a printed copy of his presentation. He then gave a short synopsis of this information. The purpose of this study was to find another water source for the Appomattox area and in doing so they had a specific task of looking for approximately two (2) million gallons of water a day. This would cover the area for a long time in the future. Mr. Hancock presented some figures on the current pumping capacity and usage of the present wells.

This study presented three development options for two (2) million gallons of water per day:

1. The Construction of a Route 460 Waterline from Lynchburg to Appomattox.
2. Develop our own reservoir somewhere in the County wherever the most reliable source could be found.
3. The James River – intake from river and pump from there.

Mr. Hancock discussed each of these options with the following recommendations:

1. The scenario involving a waterline from the City of Lynchburg along the U.S. Route 460 corridor to portions of Campbell County and Appomattox should be pursued. This would provide finished water from the City of Lynchburg, which in turn would be purchased by Campbell County and Appomattox.
2. Achievement of this project will require a considerable amount of funding: probably from a number of agencies. Appomattox, being the prime recipient of water, will need to take the lead and select an individual with considerable knowledge regarding the various agencies to pursue this funding.

3. It is also recommending that Appomattox seek the backing of both Campbell County and the City of Lynchburg for this project. This will make the project a regional objective and increase the potential for success.

Mr. Hancock then answered questions from the Board and Council members.

Mr. Spiggle thanked Mr. Hancock for his excellent presentation.

Mr. Spiggle presented the next item for discussion

2. **Freedom Ridge Community:** Discussion on the Council's decision on the out of town

Water and sewer connections.

Mr. Spiggle stated that the town had promised water for the industrial park. They have not determined how much water will be needed for this project. They have also promised some other connections. In looking through the presentation for Freedom Ridge, one of the things that hit him was "affordable carefree living". Paying \$350.00 a month to lease space to put a modular home on, to him does not seem affordable. Also the statement that no one under 50 years of age will be living there. He does not know how enforceable this will be. He also questions the screening process that will ensure everyone meets the same criteria. What is the criteria? Also, if this is a maintenance free community, who pushes the snow off the streets, who picks up the garbage, etc. There are a lot of unanswered questions. He also does not understand the estimated personal property tax .

Town Council understood that these residences would be modular, whereas the County Board of Supervisors understood that they would be double-wide mobile homes, which are taxed as Real Estate not Personal Property.

The major concern the Town Council has regards the fact that they have promised water to the industrial park and other entitites and if they provide water to this retirement community and the industrial park get a business that required a vast amount of water, it may not be there.

Mr. Carwile brought up the point that with the age criteria involved, the infracture, such as the school system, would not be impacted.

Mr. Moore suggested that Council make a list of the things they do not understand or feel comfortable with and present them to the developer for clarification.

Mr. Spiggle stated the Town Council had one issue to consider – **the Application for Use of Abbitt Park.**

Scruggs Financial Services has requested the use of Abbitt Park on Thursday, September 25, 2003.

At 7:50 Mr. Spiggle adjourned the Town Council Meeting.

Mr. Carter stated the Board of Supervisors had one item for consideration:

4. **Resolution to confirm declaration of a local emergency.** The Board needs to adopt a resolution to confirm the declaration of a local emergency. Mr. Moore made a motion seconded by Mr. Hancock to adopt the following resolution:

**RESOLUTION TO CONFIRM
DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, Samuel E. Carter, Emergency Services Director, did declare in accordance with § 44-146.21 of the Code of Virginia, 1950 as amended, a local emergency for Appomattox County in anticipation of Hurricane Isabel at 10:40 a.m. on Thursday, September 18, 2003 and;

WHEREAS, the Board of Supervisors of the County of Appomattox, Virginia, does hereby confirm:

1. That due to the occurrence of Hurricane Isabel, the County of Appomattox is facing a condition of extreme peril to the lives, safety and property of the residents of Appomattox County;
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril;
3. That it is necessary to ratify the declaration of local emergency as declared on September 18, 2003 by the Emergency Services Director.

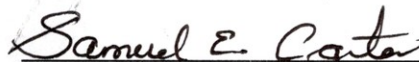
NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Appomattox, Virginia, that a local emergency now exists throughout the County of Appomattox; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency the powers, functions, and duties of Emergency Services and the Emergency Services organization and function of the County of Appomattox shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of Appomattox in order to mitigate the effects of said emergency.

In order to carry out the effect of this resolution, a sum of money, not to exceed \$ 5,000, is hereby appropriated from the county's unappropriated fund balance (from the Board's Special Account fund) to cover the reasonable operational cost of emergency services pending further report to this Board and such additional appropriations as shall be deemed necessary to cover the expected scope of this emergency.

VOTE: Mr. Carter, aye; Mr. Carwile, aye; Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, absent. (4 aye votes, 1 absent)

At 7:55 p.m. Mr. Hancock made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


 Samuel E. Carter, Chairman.

At 6:30 p.m. on Monday, October 6, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
 Mr. Jesse L. Hancock – Falling River District
 Mr. Frank H. Carwile – Wreck Island District
 Mr. Russell H. Moore – Piney Mountain District
 Mr. Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Mr. Andy Carroll - County Administrator
 Mr. Johnny Overstreet – County Attorney

At 6:35 p.m. Mr. Carter welcomed everyone in attendance and asked Mr. Kendrick to deliver the invocation.

Mr. Carter next opened the floor for the **Citizen's Comments Period.**

Mr. Kevin O'Brien came forward and stated that he felt everyone had gotten their concerns on the table regarding the proposed retirement community on Route 26 adjacent to the Industrial Park. The information requested has been delivered to Mr. Brandon Stidham. The final nuts and bolts will be determined by engineering and the State Health Department's regulations. He is requesting that the Board vote on this project so work can begin.

Mr. Carwile stated that this request has been before the Board for about a month. He can understand the developers concern of time being of essence to them as winter is just around the corner and they would like to get ground breaking started as soon as possible. He does not feel the Board has reason to impede this project further. He suggests that the Board address this issue at tonight's meeting.

Mr. Kendrick stated that this issue should be addressed during Item 18 on the agenda.

Mr. Wayne Phelps came forward and stated he has property downstream from the project and is concerned about the sewerage. He would like to see the Town accept this project as opposed to seeing a lagoon. We have a nice Industrial Park and he would hate to see it jeopardized by this retirement village.

Mr. Carter next called **Mr. Fred Godsey - Emergency Services Coordinator:** Mr. Godsey is appearing tonight to give a preliminary report on the affects of Hurricane Isabel on Appomattox County. Mr. Godsey will also request that the Board lift the declaration of local emergency declared on September 18, 2003.

Mr. Godsey began by stating what was done prior to, during and after the storm. Prior to the storm he checked with various agencies and set everything in motion to open the emergency shelter at the Community Center. After the Declaration of Local Emergency was declared on September 18th he contacted the Department of Social Services and the Red Cross and asked them to open the shelter at 4:00 p.m. on that day and it remained open until approximately 1:00 a.m. as no one had come in.

On the morning of the 18th, there was a meeting to discuss at what point the schools should be closed and the children sent home safely. There was also a meeting with the County and Town officials, VDOT, Fire Department, Rescue Squad, Health Department, the Forestry Department as well as the Sheriff's Department as to how each of these departments would respond if called upon. Each of these had members on duty around the clock and ready to do whatever was necessary.

Approximately 85% of the County was without electricity and it was estimated that it could take up to 10 days before power was fully restored. Bottled water was requested from the State for distribution to the citizens. The bottled water did not arrive until Sunday at 1:00 p.m. In the interim, Transco, the Pamplin Fire Department and the Appomattox Fire Department provided water to those individuals who furnished their own containers. Mr. Godsey also thanked the members of the fire departments, their families, and County employees that volunteered to help with the distribution of water.

Mr. Godsey is currently working with FEMA to see what assistance is available for those citizens who had property damage from Hurricane Isabel.

Mr. Carter thanked Mr. Godsey for his leadership in this emergency situation.

Mr. Kendrick made a motion seconded by Mr. Carwile to end the local declaration of emergency. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called **Mr. Wayne Phelps and Ms. Penny Taylor of the Reenactment Committee** to address the Board regarding the reenactment sponsored by the Chamber in September.

Mr. Phelps will also discuss the repairs to the Museum (Old Jail) and the hanging of a portrait of Dr. Clyde O'Brien .

Mr. Phelps began by thanking Ms. Taylor and Rich Guild for their assistance. The reenactment was a success. The weather did not cooperate on Saturday and things were a little down from what they had expected but Sunday was a huge success, especially with the burning of the old house during the battle.

Ms. Taylor gave a financial report and hopefully they will clear around \$4,000 to have on hand to start with next year when they plan to do the Battle of Lynchburg.

They would like to reenact the battle of the 140th and the surrender the following year.

Mr. Carter stated he was impressed with the battle field and the positive comments he overheard from those present.

Several other Board members stated how much they were impressed by everything.

Mr. Carter then thanked Mr. Phelps and Ms. Taylor.

Mr. Phelps informed the Board that the painting had been completed. Bobby Wells and Berkley Cabiness did an excellent job. The porch is being repaired by J. E. Jamerson & Sons under the supervision of Kevin O'Brien . When this is finished they will begin moving in the new exhibits.

Delegate Abbitt, Kevin O'Brien, Wayne Phelps and the Historical Society would like to have a portrait of Dr. Clyde O'Brien placed in the old Courthouse building along with the portraits of the Christian Family. Dr. O'Brien served his community many years as a physician, a prominent member of Appomattox, as well as a well known local historian Ms. Susan O'Brien has agreed to cover the costs involved in this project.

Mr. Carwile made a motion seconded by Mr. Hancock to place a portrait of Dr. Clyde O'Brien in the Old Courthouse with the monetary factor handled by Ms. Susan O'Brien. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Phelps also stated that Delegate Abbitt, the Sons of the Confederate Veterans, the United Daughters of the Confederacy and the Historical Society are asking that the old

courtroom be left as it is, including the slanted floor. They would also like to see the present light fixtures be replaced with a more period lighting system.

The Courthouse Committee will work on this issue. Mr. Moore and Mr. Carwile would like to see the slanted floor remain because it gives a better view of the room as a whole. Mr. Moore will relay these ideas to the Committee.

Mr. Carter then moved to the **Administrative Items: (Items 1-6)**

1. **Water Study Recommendations:** On September 23rd the Board met with the Appomattox Town Council to receive the water study report.

It is recommended that the Board accept the recommendations as submitted in the Water Study report and inform the Appomattox Town Council of their decision. It is further recommended that the Joint Committee formed to conduct the Water Study provide continuing guidance to implement the project.

Mr. Carwile stated that this issue has been before the Board too long and it is time to do something constructive and get this project underway. The figures that were presented to us recently were truly below what we had expected.

After a lengthy discussion regarding some legality issues, Mr. Carwile made a motion, seconded by Mr. Kendrick to accept the recommendations as written and that the joint Town and County Water Study Committee will provide guidelines on the implementation:

1. The scenario involving a waterline from the City of Lynchburg along the U. S. Route 460 corridor to portions of Campbell County and Appomattox should be pursued. This line would provide finished water from the City of Lynchburg, which in turn would be purchased by Campbell County and Lynchburg.
2. Achievement of this project will require a considerable amount of funding; probably from a number of agencies. Appomattox, being the prime recipient of water, will need to take the lead and select an individual with considerable knowledge regarding the various agencies to pursue the funding.
3. It is also recommended that Appomattox seek the backing of both Campbell County and the City of Lynchburg for this project. This will make the project a regional objective and increase the potential for success.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

2. **Planning Commission Recommendations:** The Planning Commission has submitted its recommendations regarding:

Mr. Carwile disqualified himself from any action on Petition. #03-527

Petition #03-526 – John & Linda Eby – Conditional Use Permit to operate a shooting preserve in the A-1 Agricultural District per §170-34(A)(32) of the Appomattox County Zoning Ordinance. Property is located on Rt. 609 between Rt. 608 and Rt. 698, Tax Map #60(A)7.

Recommendation is to approve this petition with the following condition: Signs are to be posted along perimeter of property line indicating location of shooting preserve. Signs shall be blaze orange in color and shall be posted facing away from the property line and spaced 25 feet apart.

Petition #03-527 – Peggy Rogers/Frank Carwile: Conditional use Permit to site a mobile home in the V-1 Village District per §170-43(A)(18) of the Appomattox County Zoning Ordinance. Property is located on Rt. 26 between Rt. 660 and Rt. 608, Tax Map #38(A)77A.

Recommendation is to approve this petition as submitted.

Petition #03-528 – David & Helen Moseley and Wanda Lawhorne: Conditional Use Permit to operate a private campground in the A-1 Agricultural District per §170-34 of the Appomattox County Zoning Ordinance. Property is located on Rt. 647 between Rt. 668 and Rt. 613, Tax Map #49 (A)31.

Recommendation is to deny the petition as submitted. Reasons for recommending denial included that the petitioners should be required to comply with §170-84 (Recreational Vehicle Parks) and neighboring property owner opposition to the proposed use.

Please note that on September 30th the petitioners formally withdrew this petition request. No action by the Board is necessary.

Mr. Moore made a motion seconded by Mr. Kendrick to approve **Petition #03-526 – John & Linda Eby** – Conditional Use Permit to operate a shooting preserve in the A-1 Agricultural District per §170-34(A)(32) of the Appomattox County Zoning Ordinance with the following condition: Signs are to be posted along perimeter of property line indicating location of shooting preserve. Signs are to be blaze orange in color and shall be posted facing away from the property line and spaced 25 feet apart. Property is located on Rt. 609 between Rt. 608 and Rt. 698, Tax Map #60(A)7.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Hancock made a motion seconded by Mr. Moore to approve **Petition #03-527 – Peggy Rogers/Frank Carwile:** Conditional Use Permit to site a mobile home in the V-1 Village District per §170-43(A)(18) of the Appomattox County Zoning Ordinance. Property is located on Rt. 26 between Rt. 660 and Rt. 608, Tax Map #38(A)77A.

Vote: Mr. Hancock, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; Mr. Carwile abstained. (4 aye votes, 1 abstention)

Mr. Carter proceeded to the next item on the agenda.

3. **Courthouse Change Order Procedures:** It became apparent during the early portion of construction and through the court hearing on September 25, that it will be extremely important that unexpected items that may result in change orders will need to be addressed in an expeditious manner. To this end, staff is requesting that the Board authorize the Courthouse Committee to take the appropriate action on these items as they arise. The Committee has agreed to perform this function should the Board so agree. Mr. Moore represents the Board on this committee. The committee did an outstanding job on the design portion of the building and has continued to be an integral to the success of the construction process.

Staff recommends that the Board authorize the Courthouse Committee to act on Change Orders for the Courthouse project to expedite the process in order to avoid unnecessary delays.

Mr. Kendrick stated he could understand the change orders, but has some questions regarding the monetary factors involved. Other members agreed.

Mr. Moore stated that the Judge is very adamant about the time involved in getting this project completed.

Mr. Overstreet stated you can name someone to have the authority to act as agent for the Board to make decisions on the change orders, but still there is no money appropriated and there cannot be an expenditure until the Board appropriates the money.

After much discussion, the consensus of the Board was to have change order come before the Board of Supervisors and if a special meeting is required to expedite the process, one will be called.

4. **Route 614 Resolution of Support:** At its last meeting the Board instructed staff to prepare a resolution of support for the Route 614 improvement project.

Mr. Carwile made a motion seconded by Mr. Moore to adopt the following resolution of support:

WHEREAS, the Virginia Department of Transportation held a design public hearing on August 28, 2003, to receive comments and/or suggestions regarding the Route 641 (Church Street) projects 0641-006-137, M502 and 0641-165-137, M501. These adjacent projects begin at Route 719 and end at 0.08 mile east of the west corporate limits of the Town of Appomattox.

WHEREAS, the Appomattox County Secondary Road Six-Year Plan 2003-04 includes these improvements.

WHEREAS, these projects will improve the safety and traffic flow on Church Street by improving horizontal alignment, and increasing vertical sight distance and widening of the existing pavement;

BE IT RESOLVED, that the Appomattox County Board of Supervisors hereby affirms its continued support of the design, location and construction of said road projects.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

5. **Virginia 4-H Wildlife Habitat Evaluation Program:** The National 4-H Wildlife Habitat Evaluation competition will be held in Virginia this coming year. Ms. Ann Gallus, Volunteer 4-H Leader is seeking a \$1,000 donation to support this competition. Ms. Laura McClenny, Extension Agent for Appomattox County is requesting a minimum contribution to the local team of \$100.00.

Mr. Carwile made a motion seconded by Mr. Kendrick to make a contribution of \$100.00 to the local 4-H team which will be competing in a national competition this coming year. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

6. **VDOT 6-Year Plan Workshop:** At its last meeting the Board stated it would establish a date to hold a workshop to discuss the VDOT 6-year plan for secondary roads within the County. This meeting is typically held at the end of October at the VDOT office.

Staff suggests Tuesday, October 21, at 6:30 p.m. in the VDOT Office. This date is acceptable to VDOT.

It was the consensus of the Board to hold the VDOT 6-Year Plan Workshop on Tuesday, October 21st, at 6:30 p.m. at the VDOT Office.

Mr. Carter next called attention to the **Consent Agenda: (Items 7-17)**

7. **Approval of Bills:** Please approve bills as presented for payment.
 8. **Approval of Minutes:** Please approve minutes for Regular Meeting on August 18, 2003; Regular Meeting on September 2, 2003; Regular Meeting and Public Hearing on September 15, 2003 and Joint Meeting of Board of Supervisors and Town Council on September 25, 2003.

ACTIONS ITEMS:

9. **Building Permit Refund:** Please approve the refund of \$40.40 to Ms. Jean Shaver for a building permit that Ms. Shaver does not plan to construct due to financial circumstances.
10. **Railroad Festival:** Please approve the fireworks permit for the Railroad Festival.

SUPPLEMENTAL APPROPRIATIONS:

11. **Library:** Please approve the following supplemental appropriations:
- | | | |
|-----------|-----------------|----------|
| 7301-5401 | Office Supplies | \$177.97 |
| 7301-5411 | Books | \$389.55 |

12. **Sheriff's Department:** Please approve the following supplemental appropriation:
3102-5408 Vehicle Power Equipment Supplies \$266.00
13. **Courthouse Connector:** Please approve the following supplemental appropriation as requested for architectural and engineering fees associated with the courthouse connector: \$11,141.68.
14. **Museum Repairs:** Please approve the following supplemental appropriations for repairs performed to the Museum:
4302-7008 Museum \$4,950.00
15. **Computer Equipment Replacement:** Please approve the following supplemental appropriation to replace a battery back-up for the County's AS400 computer due to a malfunction:
1101-7002 Computer Equipment \$1,856.59

FUND TRANSFERS:

16. **Comprehensive Services Act:** Please approve the following fund transfer from CSA Administrative fund to the General Operating Fund for contract services: \$3,750.00

LINE ITEM TRANSFER:

17. **Library:** Please approve the following line item transfer as requested:
- | | | | |
|------|-----------|----------|-------------|
| From | 7301-1001 | Salaries | -\$3,770.34 |
| To | 7301-5411 | Books | +\$3,770.34 |

Mr. Carwile had a question regarding the minutes. Mr. Carroll asked him to clarify his question.

Mr. Carwile stated that at one of the meetings in August the Board took into consideration the structure of the tourism program and the Administrator was supposedly to be directed by the Chairman as to what the Board's decision was to report to Ann Dixon as to how she would be structured in this program.

Mr. Carroll stated that it was his understanding of what the Board wished to do. He informed Mr. Carter that this action would have to be taken in open session in order for it to take effect. The discussion in open session was that the Board intended to have the Tourism Director report directly to the Board. It was a question as to whether this would take place through a Parks Authority which he was instructed to get more information on or whether it would be by an exception to the Personnel Policy.

Mr. Carwile asked Mr. Carroll if he had spoken with Ms. Dixon regarding what the Board had discussed in this regard. Mr. Carwile also read a copy of a memo to Ms. Dixon from Mr. Carroll.

Mr. Carwile stated there seemed to be some misunderstanding as to the Board's intent. He proceeded to read from the minutes of a previous meeting that the structure will be left as it currently stands. (His understanding was that she would report to the Board).

Mr. Carroll understood that the Board would take action in open session to modify the organizational relationship, but the Board never took this action.

Mr. Kendrick stated that Mr. Carroll was correct, the Board never took action on to whom the Tourism Director would report. There was a lot of discussions but there was never a motion on the floor or vote taken that Ms. Dixon (or Tourism Director) would report directly to the Board of Supervisors. This is the same thing that we had a month or so ago with a Public Hearing, it was never done. If you want this done, put a motion on the floor and have it done right now. In the discussion we had, it is impossible for five (5) people to give instructions to one person. That is impossible. If you have a problem with the Administrator giving instructions to the Tourism Director, then we need to get rid of the Administrator. If you do not have a problem with this, then leave things in place - the organizational structure in place works. During the discussion of the Authority, it was stated that we did not want an Authority and we wanted to leave it as it was, and it was, this position reported to the Administrator. It has not been changed.

After a lengthy discussion, Mr. Carwile made a motion that the Tourism Director, (Anne Dixon) should report to and provide monthly reports to the Board of Supervisors. The County Administrator would only provide services for payroll, etc. Mr. Hancock seconded this motion. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, nay; Mr. Kendrick, nay and Mr. Carter, nay. (2 aye votes, 3 nay votes)

Mr. Kendrick made a motion seconded by Mr. Moore to accept the Consent Agenda (Items 7-17) as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye (with reservations); Mr. Moore aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Moore wanted to clarify that this vote made it official that the Tourism Director (Anne Dixon) report directly to the Administrator, with monthly reports to the Board of Supervisors, as with the other department heads for the County.

Mr. Carter preceeded to the **INFORMATIONAL ITEMS:**

18. Status Update on Petition 03-523 – Courtland Realty/S.L.Ferguson, III:

Staff has met with the petitioners regarding the concerns and issues involved in a private water and sewer system to serve this community if approved by the Board. They have tentatively agreed that certain conditions could be added to the conditional use permit to give the County certain safeguards for the development of this project. Staff is also evaluating the legalities of including age requirements in the conditional use permit. This petition could be considered at the October 20th meeting.

Mr. Overstreet, County Attorney, stated this was a difficult legal issue. As he understands, this is a A-1 Agricultural zoning to be re-zoned to R-2 Residential with a conditional use permit. When we look at this on conditional uses from the zoning aspect, what does the Board have the authority to do under the zoning statutes. Once you rezone this property to R-2 you cannot go back and change it, you just have to live with it. The purposes of zoning are set out in the Virginia Code. There is also the Dillion Rule which states the Board has only those authorities that are granted by the Code of Virginia and those necessarily implicit therefrom. He had not examined the issue too closely, but had some reservations about zoning property based on age requirements. He received some information from Mr. O'Brien which he appreciated, that was based on Fair Housing Law and not zoning law. That law allows this type of development to go on. It says basically that you cannot discriminate according to age, but then it makes an exception for housing for the elderly. So if this property is rezoned R-2 he agrees with what was sent to him, the Code of Virginia under the Fair Housing Act allows this activity to take place. The issue becomes, and he is not sure we can find an answer to this, is whether the Board can require that the property be zoned so only the elderly can live there. This is the issue – it is permitted, they can do it, but can we require that it be done. We do not know what may happen in the future, so if the Board says this can only be a development for the elderly, and no one ever challenges it, we will not have a problem. If it is challenged, that is where he will have an issue. Restrictions can be put on property but you are getting into another form of law – Real Estate Law vs Zoning Law. If the developer owns the property, he can change it anytime he wants to. He is not saying this will happen, but it can as long as the developer owns the property. In order for him to tell the Board that you are guaranteed this is what will happen, that would have to be a part of the conditional use permit. He does not know of any Virginia cases where conditional use permits have gone that far for the purposes of zoning.

The developer has stated to him that there are developments like this all around and there are, and there will be one here, as long as they wish to continue to do it. The issue is, suppose the developer no longer wishes to do this. Until he receives some additional information otherwise, he will not guarantee to this Board that this will stay in place if the restrictive covenants change or somebody challenges your conditional use permit.

He has spoken to two attorneys who practice zoning law and both of them had reservations as to whether or not this could be defended. At this stage, he does not have anything that would uphold your conditional use permit stating that this property must be used for this purpose.

Mr. Carroll stated that he had met with the petitioners after the meeting with the Town regarding the water and sewer to this project. Our concerns were with the fact that they have a design plan that was designed for public water and sewer. The developer is not sure how their design plan will be impacted by the implementation of private water and sewer. This may or may not be a package plant with discharge into a stream that runs through the Industrial Park property. They are not sure if they will have large multi-unit drain fields and they will not know until they do the engineering work for that. Their main concern is they do not want to spend any capital to find out if this is feasible until

they get some indication from the Board that the Board is willing to approve this if it is feasible. All this will have to be permitted by the Health Department and they do not know what system will be suitable and how it will impact them. They may lose a few lots in one place to allow for the mass drain fields and if so they will take those lots and move them to another piece of the property. They also talked about having a storage tank on the property and the location of this storage tank could be an impact that the Board does not want. How can we mitigate their issue of not wanting to spend any dollars on engineering and get this petition approved at the minimum costs with the minimum information provided and also the Board's desire, in a zoning situation, to have as much information as possible when we go into that. What we came up with and what we are still working on and need to talk to the developer about is the possibility that if certain milestones are not met in that development, then the conditional use permit will be pulled from the property.

The developer understood that his petition would not be acted upon at this meeting. This is just informational material to make the Board aware of where this petition stands at this time.

Mr. Kendrick questioned what the County needs do to determine what the needs of the County are and how we can provide for these needs – basic infrastructure.

Mr. Carwile feels the Board is getting into things that may happen in the future, that we have no control over and the Board should go ahead and consider this petition.

It is staff's intent to present at the next meeting something for the Board to consider that will address having a satisfactory private water and sewer system on this property, as well as some of the other questions presented by the Board.

Mr. Carter next called for **Supervisor's Concerns: (Item 19)**

Mr. Carwile was concerned about the invitation to the Pamplin Town Depot regarding the presentation of the grant monies for their town sewer system not reaching him before the event took place.

He also has some question about the landfill. He was informed that this would be covered in a closed session.

Mr. Carter stated the need to enter into a closed session per §2.2-3711A.5 of the Code of Virginia for the purpose of discussing a perspective business with no previous announcement being made.

At 8:30 p.m. Mr. Kendrick made a motion seconded by Mr. Carwile to enter into a close session per §2.2-3711A.5 of the Code of Virginia for the purpose of discussing a perspective business with no previous announcement being made. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 8:50 p.m. on a motion by Mr. Hancock seconded by Mr. Carwile the Board returned to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711A.5 – of the Code of Virginia, for the purpose of discussion a perspective business ,

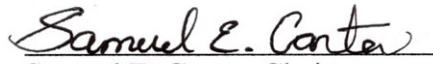
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if there was any business to be discussed as a result of the closed session.

At 8:53 p.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, October 20, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Hall located on Linden Street, Appomattox, Va.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Jesse L. Hancock – Falling River District
Mr. Frank H. Carwile – Wreck Island District
Mr. Jerry G. Kendrick – Appomattox River District
Mr. Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Mr. Andy Carroll – County Administrator
Mr. Brandon Stidham – County Planner
Mr. Johnny Overstreet – County Attorney

At 6:34 p.m. Mr. Carter called the meeting to order, welcomed everyone present and asked Mr. Hancock to give the invocation.

Citizen Public Comment Period: Mr. Carter asked if anyone had any comments they wished to express to the Board at this time.

Mr. John Wilson came forward, stated his address as Church Street, Appomattox, Va. Mr. Wilson spoke about getting together on issues, resolving problems and moving on. He also stated that the Board was elected because the community needed leadership.

Mr. Wilson spoke against the sub-division Freedom Ridge. We do not need a retirement community for people who are not members of this community to retire to. A community which in ten (10) years will be a drag on the county, one that will be a ghetto. We do not need any more ghettos. We do not need the drag on our water table and we certainly do not need people who are realtors, and builders serving on the planning commission, the Board of Supervisors and any case where there is a conflict of interest. Reclusion and not voting on an issue is not enough. If you occupy a position of responsibility and you go around advocating these other positions while you are in office, it is the same principle and unethical in his opinion.

Mr. Wilson also spoke regarding the old elementary school being put to use. We have a strong County Administrator and if given positive directions he will take charge and you want him to take charge of the administrative issues, but policy is your game. The Board is suppose to be setting policy and he would like to see this Board do it.

Ms. Rowena Ferguson Robertson of Route 3, Box 157A, Concord came forward. Mrs. Robertson is here representing the Carver-Price Alumni Association and they have several issues of great concern to their organization. There are three (3) different groups working on the uses for the former Carver-Price School: The Board of Supervisors, the School Board, and the Facilities Committee. In a September 17th letter the Facilities Committee requested that a representative of the Alumni Association be appointed to represent the Association in the implementation of the vision they related on September 15th, 2003. This appointee would communicate progress on the project, assist in development of activities and provide the Committee with input from the Association. They attempted several times to find out when the next meeting would be held. They were informed at 6:55 p.m. on October 15th that a Facilities Committee meeting would be held at 7:00 p.m. that evening. They are requesting that their organization not be left out of the planning and implementation of the Carver-Price project.

They are also emphasizing that the building be used for educational purposes only, being called the Carver-Price Educational Complex. They do not agree with this property being used to house a garage for county buses and other vehicles but rather used for athletic fields for soccer, football, etc.

Ms. Robertson closed by stating they have already begun collection of artifacts and other memorabilia to be placed in the Carver-Price Legacy Museum.

Mr. Carter next called upon **Ms. Anne Dixon, Director of Parks, Recreation and Tourism:** Ms. Dixon is to provide the Board with an update on the tourism activities that have been undertaken in recent months. Ms. Dixon will also request that the Board adopt the Tourism Development and Marketing Plan at this meeting.

Ms. Dixon stated she has had an overwhelming response from the public regarding the tourism program. She gets calls weekly from people who have moved here from other places regarding the things we have to offer. Ms. Dixon reported on some of the projects that have been worked on recently. They have just finished stuffing approximately 100 packets containing a letter to tour operators and brochures on the parks, Bed & Breakfasts, Shops located downtown, campgrounds, and other places of interest. She is also working on updating the directory at the Courthouse Square with a map showing where everything is located. There will also be a brochure rack located in the Downtown Visitor's Center to display brochures strictly pertaining to Appomattox County. She also discussed other projects that they are working on at this time.

Ms. Dixon updated the Board on the Recreational Park development. They have received some donations toward development of this park.

Mr. Carter called attention to the Tourism Development and Marketing Plan developed by Ms. Dixon. The Board needs to adopt this plan.

Mr. Moore made a motion seconded by Mr. Hancock to approve the Tourism Development and Marketing Plan as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 7:05 p.m. Mr. Carter called for a short recess.

At 7: 12 p.m. Mr. Carter re-opened the meeting and called for a Joint Public Hearing with the Planning Commission:

PRESENT: (PLANNING COMMISSION)

Kevin O'Brien, Chairman

Al Sears , Vice-Chairman

Calvin Tanner

Jerry Hughes

Steve Conner

Robert Johnson

Susan Hudson

Marvin H. Mitchell

Jim Sefter

John Wilson

Mr. Carter then read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then asked Mr. Stidham to read the first petition.

03-529 – Mark T. Perry. Conditional Use Permit to operate a home occupation in an accessory building (piano maintenance) in the A-1 Agricultural District per §170-34(A)(13) of the Appomattox County Zoning Ordinance. Property is located on Rt. 611 between Route 721 and Route 750, Tax Map #Part of 35(A)14.

Mr. Mark Perry came forward stating he is the business owner. He has been operating out of his home for some time. He will just be moving his business into an accessory building. Hopefully before winter. This is a low key business and they do not use any large power tools they basically work with hand tools. They rebuild pianos.

Mr. Stidham called for other comments for or against this petition. Hearing none, the Public Hearing was closed at 7:15 p.m. and Mr. Carter called for a short recess.

At 7:17 p.m. Mr. Carter re-opened the Board of Supervisors' meeting and called attention to the **ADMINISTRATIVE ITEMS: (items 1-7)**

1. **Courthouse Connector:** After the September 25th hearing with Judge Poston, a meeting was held with the Commonwealth concerning the proposed connector between the new and existing courthouse. Craddock-Cunningham Architectural Partnership has designed the connector with construction details. It does not appear that at this time the plans drawn by CCAP meet all the requirements that the Commonwealth would place on the design. The Courthouse Committee and architect feel that the plans are well conceived and meet the building/fire code requirements. The Courthouse Committee recommends that the Board request a hearing with Judge Poston for him to decide if the connector should be built as currently designed.

Mr. Moore stated that the holdup is with the State's lawyer and architect. The Committee would like to by-pass them and have Craddock-Cunningham had a direct meeting with the Judges to explain to them what they want to do.

After some discussion Mr. Kendrick made a motion seconded by Mr. Moore to accept the Courthouse Committee's recommendation that the Board of Supervisors request a hearing with Judge Poston to discuss the proposed connector as currently designed.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (5 aye votes)

2. **Courthouse Change Orders:** The Board has received proposed change orders to the courthouse construction that the Courthouse Committee recommends the Board approve plus one additional change order that is recommended, but was not considered by the Committee. Mr. Gary Harvey, CCAP will be on hand to discuss the change orders if additional information is needed.

Mr. Carroll stated that Mr. Harvey has two (2) additional change orders to present to the Board tonight that were just received from the contractor with prices.

Mr. Harvey stated there are two items on the proposed charge order lists they received this morning from the general contractors and they were expedited through their consultant for review and both were recommended to be approved. 1) addition of two (2) exterior outlets; one at the front of the courthouse entrance and one at the rear; Cost: \$335.00. 2) addition of a two-way switch in one of the holding areas; Cost: \$253.00.

Mr. Kendrick made a motion seconded by Mr. Moore to accept the changes orders as presented by the Courthouse Committee, along with two (2) additional changed presented by Mr. Harvey:

#2 - Extend communication conduits from boxes currently shown on drawings to municipal buildings as shown on MEAD drawings E1 & E2 dated 4-7-03 (\$20,232)

#5 - Upgrade fire resistance rating of interior wall around Circuit Court Clerk Records including Door 1107 and all affected equipment dated 7-16-03 (\$8,333.00)

#8 - Cable Tray revisions on first floor Circuit Clerk's area dated 9-17-03 (\$834.00)

#13 - Contractor requests 33 additional days due to Owner delays with utilities and above average rainfall since start of construction dated 9-18-03 (\$0)

#14 - Factory painted finish for exterior mechanical Louvers - Mill finish was spec'd (\$671.00)

Also approve two (2) additional changes as presented by Mr. Harvey:

- 1) Addition of two (2) exterior outlets: \$335.00:

One (1) at the front of the Courthouse entrance

One (1) at the rear entrance

- 2) Addition of a two-way switch in one of the holding areas: \$253.00

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **FEMA Resolution:** Resolution authorizing the County Administrator to file the necessary claims and reports with FEMA in response to the damage caused by Hurricane Isabel. This authorization deals with damages and/or expenses incurred by the County.

Mr. Kendrick made a motion seconded by Mr. Hancock to approve the FEMA Resolution as written.

RESOLUTION

BE IT RESOLVED by the BOARD OF SUPERVISORS OF APPOMATTOX COUNTY that DARRELL A. CARROLL, JR., COUNTY ADMINISTRATOR is hereby authorized to execute for and in behalf of the APPOMATTOX COUNTY BOARD OF SUPERVISORS, a public entity established under the laws of the STATE OF VIRGINIA, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal Financial Assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT, APPOMATTOX COUNTY, a public entity established under the laws of the STATE OF VIRGINIA, hereby authorized its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 20th day of October, 2003.

CERTIFICATION

I, DARRELL A. CARROLL, duly appointed and COUNTY ADMINISTRATOR of APPOMATTOX COUNTY, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the BOARD OF SUPERVISORS, APPOMATTOX COUNTY, on the 20th day of October, 2003.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

4. **Resolution from Mecklenburg County:** Mecklenburg County as requested that the Board consider adopting a similar resolution to the one they adopted in favor of the Tobacco Buy-Out program. Staff has little knowledge about the proposed buy-out program and at this time cannot make a recommendation to the Board on the issue. Staff will pursue additional information on the matter if the Board desires.

Mr. Carwile stated he did not quite understand what is meant by "buy-out" program. Does this mean that there will be no more tobacco grown locally.

The Board by consensus tabled this resolution until the next meeting.

4. **E-911 Structure Number Signage:** The Board has determined that it wishes to place structure number signs at each structure. The cost to produce and place the signs will be funded from the E-911 tax. Timmons was asked to provide a cost proposal for contract administration and placement of these signs. Cost from Timmons to produce the RFP for the manufacture and placement of the signs.

Project Management: \$3,500.00

Installation costs:	\$66,500.00 (\$9.50 per sign)
TOTAL:	\$70,000.00

After some discussion, Mr. Moore made a motion seconded by Mr. Kendrick to approve the change of contract with Timmons for RFP and to install the E-911 Structure Number Signs. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

5. **Petition #03-523 – Courtland Realty/S. L. Ferguson III:** The Board at previous meetings had discussed specific concerns regarding this petition. Staff has enclosed a list of conditions to be imposed as part of the permit as well as a list of milestones to be met to comply with permit requirements. Kevin O'Brien acting as agent for the developer has submitted their acceptance of the list of conditions and milestones.

Mr. Carwile questioned Mr. O'Brien acting as agent for the developer.

Mr. Overstreet stated that the signature of the developer be required on the actual conditional use permit agreeing to the conditions.

Mr. Kendrick asked if it were inappropriate for a member of the Planning Commission to be acting as an agent and actively pursuing that role as an agent, to persuade the Board. Does this create a conflict of interest?

Mr. Overstreet answered by saying that as County Attorney it was not his place to say what was appropriate and not appropriate. That was an ethical dilemma between the Board and Mr. O'Brien. The Conflict of Interest Law is a criminal statute that is enforceable through the Commonwealth's Attorney's Office. He continued by explaining what his role would be if asked to give an opinion.

There was a lot of discussion regarding the 5 foot setback buffer for all property lines, the ongoing maintenance of the sub-division, the age limitations, public water and sewage, and not being able to use single wide mobile homes.

Mr. Carroll will talk to David Garrett about the Town providing sewage service and allowing the developer to provide water service. It was also decided to expand this discussion to also include other potential developments.

Mr. Moore made a motion seconded by Mr. Hancock to table action on this matter until additional information can be obtained. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Hancock, aye; and Mr. Carter, aye. (5 aye votes)

7. **Road Name Change Request:** Edward and Nancy Fuller have requested the name of their road be changed to reflect an incorrect spelling – "Townwanda" to "Tonawanda". The Board in approving road names instituted a 2 year moratorium on road name changes from the date that E-911 goes into effect.

Allowing road names to be changed jeopardize the implementation of the E911 system. This matter appears to be one of conflicting spelling as the lake is "Townwanda" on the County's tax parcel maps. .

After some discussion, Mr. Carwile made a motion seconded by Mr. Moore to correct the spelling for a private road just west of Frank's Place on Route 460 west from "Townwanda" to "Tonawanda" as originally recorded on deeds. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes).

Mr. Carter next called the Board's attention to the **Consent Agenda: (Items 9 – 13)**

8. Approval of Bills: Please approve bills as presented for payment.

LINE ITEMS TRANSFER:

9. Tourism: Please approve the following item transfers as requested to provide funding for the tourism programs:

FROM:	8105-6002	Tourism	\$13,000
	8105-6003	Lees' Retreat	4,300
	8105-6009	Brochure	5,000
	1101-5804	Operating Reserve	27,700
		TOTAL	\$50,000
TO:	7104-3007	Advertising	\$15,000
	7104-6003	Virginia's Retreat	5,000
	7104-6009	Brochures	12,000
	7104-3006	Printing & Binding	10,000
	7104-5201	Postage	5,000
	7104-5401	Office Supplies	2,000
	7104-5203	Telecommunication	1,000
		TOTAL	\$50,000

SUPPLEMENTAL APPROPRIATIONS:

10. Hurricane Isabel: Please approve supplemental appropriations for funds expended preparing the shelter and for items associated with the operation of the shelter:

3605-3002	Professional Services	\$102.99
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11. Sheriff's Department: Please approve the following supplemental appropriation requested by the Sheriff:

3102-1002	Overtime	\$2,390.64
3102-5410	Uniforms	\$1,161.48

12. Courthouse Connector: Please approve a supplemental appropriation for \$3,618.17 as requested for architectural and engineering fees associated with the courthouse connector.

13. **School:** Please approve the following supplemental appropriations as requested by the school.

Temporary Courthouse	\$ 36.41
Employee Insurance Fair	1,000.00
Mutual of Omaha – Dental	1,010.90

Mr. Kendrick made a motion seconded by Mr. Moore to approve the **Consent Agenda** as approved. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

14. **Appomattox Town Council Agenda:** Town Council agenda for meeting/workshop held on October 14, 2003.

15. **Monthly Update:** Monthly updates on County projects.

16. **Comprehensive Economic Development Strategy (CEDS) minutes:** Minutes for CEDS committee meeting held on July 15, 2003 (Adopted 10/1/03).

17. **School's Monthly Financial Report:** Financial Report for School for month of November 2003.

18. **VACo Conference:** VACo Conference will be held November 9 – 11 at the Homestead. If any Board member is interested in attending please inform Mr. Carroll regarding registration and hotel reservations.

19. **Severance Tax:** Staff contacted the Department of Taxation concerning the question that Mr. Carwile posed regarding taxing limestone. Response has been received from Mr. Thomas Morelli of the State Department of Taxation stating that it is not possible for Appomattox County to impose a severance tax on limestone. The value of the limestone is already taxed through the real estate tax.

Mr. Carwile questioned the rate at which the limestone was being assessed. Are we receiving the assessed value? Mr. Carroll will check with the Commissioner of Revenue to see at what rate this is assessed.

At 8:10 p.m. Mr. Carter called for a short recess.

At 8:20 p.m. Mr. Carter re-opened the meeting and called for **Supervisor's Concerns:**

Mr. Carwile stated he had several things to discuss, the first being Mr. Stewart Robinson of the Carver-Price Alumni Association. He has talked to me and asked that the committee of Earl Pickett, Lannis Selz, Sammy Carter, Jerry Kendrick, and Walter Krug notify him when they will be meeting so he can be in attendance.

Mr. Carter stated that Mrs. Annie Trent, and Ms. Brenda Bradley are the representatives of the Carver-Price Alumni Association. Mrs. Ray will be liaison between the committee and CVCC as per the committee's request.

His next concern is in regard to Route 611 between Rt. 611 and Rt. 720. On the road naming requirements, if there are three (3) houses or more on a road, it would be named. This is the old Routen Farm Road which already has four (4) houses and another one under construction. This is not a "road name change" this is an addition, as this was overlooked in the original naming process. They would like to have this road named "Routen Farm Road". This is a private road.

Mr. Carwile had some questions regarding the "Tobacco" grant money. Has any of this money been spent on the Carver Price School.

Mr. Carroll explained what these funds have been allocated for.

Mr. Kendrick has a concern regarding the article in the Times-Virginian recently which quoted him as saying "if the Board has a problem with the Tourism Director getting along with the County Administrator, then we need to get rid of the County Administrator". This statement was taken out of context and was not really what he had stated. He also read from the minutes of the meeting in which this statement was made. He does not want it said or implied that he in any way wanted to get rid of the Administrator, this was not his intent. He was saying that within an organization if you have a problem with someone in the organization, you remove the person as opposed to destroying or going around the organization, because organizations are sort of precious things. If you have the right people in them, they should work properly. He did not mean anything negative to either the Tourism Director or the County Administrator.

He has had questions asked as to why he wants to get rid of the Administrator. He does not want to get rid of the Administrator. He has been one of the strongest supporters of the Administrator because he felt like that Appomattox needed to make some changes. To make changes you have to have a strong Administrator. He is not always going to be popular, much of the time he will not be popular at all. In order to make changes you have to have someone to lead and our Administrator has done a good job of leading us, and helping us. He is a very good man and I don't want anyone thinking that I want to get rid of him.

Mr. Carter stated he felt they had a very positive report from Mrs. Rockefeller regarding ground water samples.

Mr. Carter also commented about the newly elected President of the Appomattox Chamber of Commerce, Penny Taylor. The Board needs to send a letter of congratulations on her election and offer our help in any way we can.

Mr. Carter then stated that a closed session was necessary as per §2.2-3711A.1 of the Code of Virginia, Personnel Matters dealing with a disciplinary action of a County employee.

Mr. Kendrick remarked that the Board may wish to cancel the November 3, 2003 meeting as some on the members of the Board were running for re-election and may not want to meet. He will be out of town.

Mr. Kendrick made a motion seconded by Mr. Hancock to cancel the regularly scheduled meeting of Monday, November 3, 2003 and have the Chairman approve the bill payable for the first of the month. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 8:33 p.m. Mr. Moore made a motion seconded by Mr. Hancock to enter into a closed session as per §2.2-3711A.1 of the Code of Virginia, Personnel Matters regarding a disciplinary action of a County employee. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 9:05 p.m. Mr. Hancock made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following statement:

Whereas, this Board convened in a closed meeting under section 2.2-3711A.1 Of the Code of Virginia for the purpose of discussing a Personnel Matter – Disciplinary action of County employee.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter reminded the Board of upcoming Meetings:

Recessed Meeting – Tuesday, October 21, 2003

VDOT Six Year Plan Meeting

VDOT – Appomattox Residence Office

6:30 p.m.

At 9:08 p.m. Mr. Hancock made a motion seconded by Mr. Moore to recess until 6:30 p.m. on Tuesday, October 21, 2003 at the VDOT – Residency Office – Ferguson Street,

Appomattox, Va. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter

Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, October 21, 2003, the Appomattox County Board of Supervisors held a recessed meeting with the Virginia Department of Transportation at the VDOT Residency Office located on Ferguson Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Jerry G. Kendrick – Appomattox River District
 Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Andy Carroll – County Administrator
 Don Austin – Resident Engineer – VDOT
 Cathy Arrington - VDOT
 Milton Thacker - VDOT

At 6:31 p.m. Mr. Carter called the meeting to order and gave the invocation.

Mr. Carter called attention to the first item on the agenda:

1. **Amendment to the County Personnel Policy:** The purpose of this amendment is to provide clarity to County personnel regarding the implementation role of the County Administrator for the County's Personnel Policy. The matter of providing clarity was raised by the Board at its last meeting.

Article 1.8 - Interpretation:

The County Administrator shall be responsible for supervising County operations and staff. The County Administrator shall assign, review, plan and coordinate the work activities of County employees. The County Administrator shall also provide work instruction and employee training as well as maintain work standards and evaluate employee work performance.

The County Administrator shall be responsible for the selection, transfer, promotion, salary increase, discipline and/or discharge of employees in accordance with the personnel policy as adopted/amended by the Board of Supervisors.

Article 1.8 – Interpretation:

The County Administrator shall be responsible for the implementation and interpretation of these policies.

Mr. Carwile stated that he felt this was out of order and should be tabled until they had time to further study and research this information. Mr. Carwile stated he had asked to be shown in print where the County Administrator was given this authority in the first place.

Mr. Kendrick stated he agreed with what was presented here because the intent the Board had made was clearly what is in the policy. It was the intent of the Board not to get caught up in the hiring, dismissal, or discipline of the employees, so as to make it a political agenda. He believes we should adopt this tonight. Mr. Kendrick further stated that he wanted to give the County Administrator the authority to do his job.

Mr. Carwile replied that Mr. Kendrick used the word “intent” and he did not operate this County on intent.

Mr. Kendrick continued , at that time it was our thinking that we had in fact given him the authority to not only hire, which he has been doing, but also to manage, promote, train and do whatever he need to do with the staff and it was only when he brings to the Board a situation that clearly needs to be resolved that the Board needs to get involved. I do not want this Board to get into the business of making employee performance a political agenda, where it has to be voted out in public, it is an embarrassment and a disgrace. This County has been embarrassed enough with this type of foolishness and it needs to be stopped. This is not County business, this is managing the staff. We are suppose to be setting the policies of the County, not managing the staff.

Mr. Moore stated that he felt that the Board should be informed of personnel decisions before any action is taken and they should be allowed to have some input into the situation. He feels comfortable with the present Administrator but what about further down the road and we have another Administrator.

Mr. Hancock stated he feels that as long as everyone is treated fairly, one person should be able to handle personnel matters, the problem occurs when that one person becomes biased.

Mr. Carter stated that in the everyday business world, it is the Administrators latitude to hire and fire, handle performance and disciplinary actions, grant vacations, etc. but to keep the wheel balanced is the grievance policy that will enable anyone that has a chip on their shoulders against someone else to follow this policy and this policy will bring it back to this Board or a Grievance Panel.

After further discussion, Mr. Hancock made a motion seconded by Mr. Carwile to table this issue. VOTE: Mr. Hancock, aye, Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, nay; and Mr. Carter, nay. (3 aye votes, 2 nay votes)

2. **American Legion Request:** The American Legion, Post 104 is requesting to hold a Veterans Day Ceremony in Courthouse Square on Monday, November 10, 2003.

Mr. Moore made a motion seconded by Mr. Hancock to allow the American Legion, Post 104 the use of Courthouse Square for a Veteran's Day Ceremony on Monday, November 10, 2003.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (5 aye votes)

3. **VDOT Six-Year Plan Discussion:** The Board and Staff will meet with the VDOT staff to discuss funding and improvements to the county's secondary roads at this time. This is a planning session. A Public Hearing will be held once the plan has been revised.

Mr. Carter turned the meeting over to Mr. Don Austin, VDOT Resident Engineer.

A Public Hearing for the VDOT 6-Year Secondary Road System and Unpaved Road Improvements was scheduled for November 17, 2003 at 7:05 p.m.

Mr. Austin called attention to the draft Secondary System for Appomattox County road system. There are not a lot of new projects. The County wide allocation was still \$125,000. Mr. Austin discussed the Church Street project. They have made some minor right-of-way changes to lessen the impact on certain individuals. There is still a while before this work is done, possibly 2005. There will be some improvement to this road, but the complete project will be in the future.

A couple of the legs of the Route 608 project have been completed. They propose splitting this project and doing part of it at a time thereby allowing us to get it done quicker. The Board by consensus decided to have VDOT split the Rt. 608 project into two sections.

There was some discussion on other options of rebuilding and improving other roads.

Mr. Austin then discussed the unpaved roads future projects.

Mr. Moore had some question regarding Route 611 between Rt. 666 and Rt. 665. This road is not much different than when it was used by horse and wagon.

There was also some discussion regarding Route 721 going to Stone Ridge Estates.

Mr. Carter commented about the sight problem at the intersection of Route 719 and Route 691. There were also several other sight complaints from the Board.

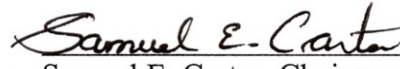
Mr. Austin will look into these areas.

Mr. Austin commented that a lot of progress has been made in the roads in the County in the last 10 to 15 years.

Mr. Carter thanked Mr. Austin and his staff for their gracious hospitality.

Mr. Carroll stated there was a need to have a recessed meeting sometime this week. It was agreed to meet on Saturday morning at the County Administrator's office.

At 7:55 p.m. Mr. Hancock made a motion seconded by Mr. Carwile to recess until 8:00 a.m. on Saturday, October 25, 2003 at the County Administrator's Office. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 8:00 a.m. on Saturday, October 25, 2003 the Appomattox County Board of Supervisors held a recessed meeting from October 21, 2003 at the Council Chambers located in the Appomattox Town Office on Linden Street, Appomattox, VA. (Meeting had been scheduled for the County Administration Office, but was relocated with positng on door and notification of the press.)

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
Johnny Overstreet – County Attorney

At 8:10 a.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated the need to enter into Closed Session as per §2.2-3711.A.1 – Personnel Matters, of the Code of Virginia for the purpose of discussing an appointee of the Board.

Mr. Carwile stated that prior to entering into Closed Session he had some things he wished to discuss.

- The agenda for the October 20,2003 meeting did not indicate a closed session.
- The Board recessed from the October 20,2003 meeting to a October 21, 2003 meeting at the VDOT Residency Office. At the beginning of this recessed meeting each Member of the Board was presented with an Amendment to the County Personnel Policy. The purpose of this recessed meeting was to discuss the VDOT Six Year Plan. He was completely surprised and thinks this was completely out of order. This matter was eventually tabled and at the end of the meeting on October 21st today's meeting was scheduled. He feels this issue should never have been discussed at the October 21st meeting with VDOT.

Mr. Carter addressed the meeting of October 20th stating the closed session was held because of the immediate problem which needed to be addressed that night. Under the Code of Virginia, this matter constituted a closed session.

Mr. Carwile was going to address this issue "Personnel Policy" in open session. Closed session is a privilege and he feels the Board abuses it too many times.

It was Mr. Carter's understanding that the discussion on the Personnel Policy was in dealing with a county employee which is covered by closed session. The question of the Personnel Policy was brought up later.

There was a lengthy discussion relating to what should be covered in recessed meeting, Roberts Rules of Order pertaining to minutes, the definition of "recessed meeting", etc. Mr. Overstreet stated that it is much simpler to recess a meeting because you do not have to post any notices, etc. If you have a need for a meeting between regular meetings to discuss an issue that you call a special meeting instead of recessing. Once an issue has been discussed and you need further discussion, it is proper to recess so long as the recessed meeting does not go beyond the next regularly scheduled meeting.

Mr. Carter asked if anyone felt that they had in any way violated the Freedom of Information Act?

Mr. Overstreet stated that he did not feel the Freedom of Information Act had been violated at any of the meetings he had attended.

At 8:32 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to enter into closed session for the purpose of discussing a personnel issue under §2.2-3711.A.1 of the Code of Virginia . VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye and Mr. Carter, aye. (5 aye votes)

At 10:37 a.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick,

aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying statement:

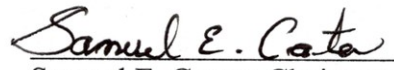
Whereas, this Board convened in a closed meeting under section 2.2-3711 A.1 – Personnel Matters, Of the Code of Virginia for the purpose of discussing an appointee of the Board.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

I call the question: ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 10:39 a.m. Mr. Kendrick made a motion seconded by Mr. Hancock to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, November 17, 2003 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Jesse L. Hancock – Falling River District
Frank H. Carwile – Wreck Island District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:
Andy Carroll – County Administrator
John Spencer – Assistant County Administrator
Johnny Overstreet – County Attorney

At 6:34 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter asked if anyone wished to speak during the **Citizen's Public Comment Period**.

No wished to address the Board so Mr. Carter called **Ms. Anne Dixon, Director of Parks, Recreation and Tourism** to address the Board.

Ms. Dixon is appearing to provide a monthly update on the tourism activities that her department has undertaken over the past month.

Ms. Dixon stated that some brochures and signs are in the development stages. She is soliciting ideas from the town merchants and other business people in the area. They are also working on a brochure for Antiques featuring four (4) local dealers. They have sent tour packet to approximately 135 school systems. A group from Michigan is interested in visiting next year with a group of 150 people. They will need lodging, meals, etc. Last week there was a group here from Maryland. She had also met with the National Park Service and others regarding future plans and there will be another meeting on December 3 from 4 – 8 p.m. to receive comments regarding the Park. A member of the Virginia Travel Corporation will visit in December to assist with marketing ideas. She also plans to advertise in the United Daughters of the Confederacy magazine which has about 9,000 subscribers.

Ms. Dixon also gave an update on the progress at the Recreation Park. D. S. Nash broke ground about two weeks ago on the four baseball fields and should be finished by the end of the week. The Frisbee Disc Golf course is basically completed. The goals have been ordered and should be in shortly. There are plans to have an Olympic Frisbee Golf Tournament for the State of Virginia here, and this should bring in major tournaments and some tourist dollars. Ms. Dixon is also looking into a Department of Conservation and Recreation grant for the construction of trails, etc. This would be a 80/20 matching grant. Also, Rick Butler of the Forestry Department recently held a tree-judging contest at the Park. Many surrounding schools visited the site for this contest.

Ms. Dixon stated that the Community Center rental revenue should be \$1,010 instead of \$930 for this month. This money pays for our rental agent and a cleaning person.

Also, there is a chance that the Virginia Travel Corporation may have a tour group in our region in March of 2004. Hope to get some business out of this.

Mr. Carwile asked Ms. Dixon, what in her opinion, brings people to use the Community Center?

Ms. Dixon replied that most facilities are too big or not big enough. The \$20.00 per hour rate, the hospitality and the help with setting up the facilities, are some of the plus elements in the use of the Community Center.

Mr. Carter next called for the **ADMINISTRATIVE ITEMS:** (Items 1-4)

2. **Planning Commission Recommendations:** The Planning Commission is recommending approval of **Petition #03-529 – Mark T. Perry** – Conditional Use Permit to operate a home occupation in an accessory building (piano maintenance) in the A-1 District per §170-34(A)(13). Property is located on Route 611 between Route 721 and Route 750, Tax Map #Part of 35(A)14.

Mr. Moore made a motion seconded by Mr. Kendrick to approve **Petition #03-529 – Mark T. Perry** – Conditional Use Permit to operate a home occupation in an accessory building (piano maintenance) in the A-1 District per §170-34(A)(13). Property is located on Route 611 between Route 721 and Route 750, Tax Map #Part of 35(A)14. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

3. **Virginia Public School Authority Resolution:** The resolutions and supporting documentation necessary to receive the remaining funds from the 1994 VPSA Bond for school construction have been received. These funds are for use by the school.

Staff recommends the Board adopt the resolution as written and authorize Mr. Carter as Chairman to execute the necessary documentation. Staff also recommends the Board supplemental appropriate \$33,167.09 to the school as a result of these funds becoming available.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Moore to approve the following VPSA Resolution and appropriate \$33,167.09 to the school as a result of these funds being available.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL REFUNDING BONDS (1997 RESOLUTION) SERIES 2003 B, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF APPOMATTOX GENERAL OBLIGATION SCHOOL BONDS, SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY:

WHEREAS, the Virginia Public School Authority (the “Authority”) pursuant to a resolution duly adopted on June 26, 1991, as amended, restated and supplemented (the “1991 Resolution”) issued bonds (“1991 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority has issued under the 1991 Resolution a certain series of 1991 Resolution Bonds designated as “Virginia Public School Authority School Financing Bonds (1991 Resolution) Series 1994 A” (the “Series 1994 A Bonds”);

WHEREAS, the Authority used a portion of the proceeds of the Series 1994 A Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Appomattox, Virginia (the "County") designated the County of Appomattox General Obligation School Bonds, Series 1994 A ("Local School Bonds");

WHEREAS, the Authority refunded its Series 1994 A Bonds (the "Refunded Bonds") from a portion of the proceeds of its Virginia Public School Authority School Financing and Refunding Bonds (1997 Resolution) Series 2003 B (the "Refunding Bonds") issued pursuant to a resolution duly adopted by the Authority on October 23, 1997 (the "1997 Resolution");

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c12 (the "Rule");

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of Appomattox, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF APPOMATTOX, VIRGINIA:

1. Continuing Disclosure Agreement:

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and nay Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Further Actions:

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

3. Effective Date:

This resolution shall take effect immediately.

* * *

The undersigned Clerk of the Board of Supervisors of the County of Appomattox, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on November 17, 2003 and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was duly held and complied with all requirements of law.

Series 2003 B Local Issuer: County of Appomattox

CONTINUING DISCLOSURE AGREEMENT

[This Continuing Disclosure Agreement will impose obligations on the Local Issuer if and only if the Local Issuer is or has become and Remains a "Material Obligated Person", as defined below]

This Continuing Disclosure Agreement (the "Disclosure Agreement") is executed and delivered by the undersigned local issuer (the "Local Issuer") in connection with the issuance by the Virginia Public School Authority (the "Authority") of \$74,850,000 aggregate principal amount of its School Refunding Bonds (1997 Resolution) Series 2003 B (the "Series 2003 B Bonds") pursuant to the provisions of a bond resolution (the "1997 Resolution") adopted on October 23, 1997, as amended and restated. The Series 2003 B Bonds and all other parity bonds heretofore or hereafter issued under the 1997 Resolution are collectively called the "Bonds". A portion of the proceeds of the Series 2003 B Bonds are being used by the Authority to provide funds to refund in advance of their maturity certain bonds of the Authority. The proceeds of the refunded bonds were used to purchase general obligation school bonds (the "Transferred Local School Bonds") issued by certain Virginia counties and cities (the "Transferred Local School Bond Issuers") that have used the proceeds thereof for capital projects for public schools.

SECTION 1. Purpose of the Disclosure Agreement: This Disclosure Agreement is being executed and delivered by the Local Issuer for the benefit of the holders of the Series 2003 B Bonds and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). The Local Issuer acknowledges that it is undertaking primary responsibility for any reports, notice or disclosures that may be required under this Agreement.

SECTION 2. Definitions: In addition to the definitions set forth in the 1997 Resolution, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the Local Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

"Dissemination Agent" shall mean the Local Issuer, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in

writing by such Local Issuer and which has filed with such Local Issuer a written acceptance of such designation.

"Filing Date" shall have the meaning given to such term in Section 3(a) hereof.

"Fiscal Date" shall mean the twelve-month period at the end of which financial position and results of operations are determined. Currently, the Local Issuer's Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

"holder" shall mean, for the purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of a Series 2003 B Bond.

"Listed Events" shall mean any of the events listed in subsection 5(b)(5)(i)(C) of the Rule.

"local school bonds" shall mean any of the Local School Bonds and any other bonds of the Local Issuer pledged as security for Bonds issued under the Authority's 1997 Resolution.

"Material Obligated Person" (or "MOP") shall mean the Local Issuer if it has local school bonds outstanding in an aggregate principal amount that exceeds 10% of the aggregate principal amount of all outstanding Bonds of the Authority.

"National Repository" shall mean any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule.

"Participating Underwriter" shall mean any of the original underwriters of the Authority's Series 2003 B Bonds required to comply with the Rule in connection with the offering of such Bonds.

"Repository" shall mean each National Repository and each State Repository.

"Rule" shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State Repository" shall mean any public or private depository or entity designated by the State as a state depository for the purpose of the Rule. As of the date of this Agreement, there is no State Repository.

SECTION 3. Provision of Annual Reports.

(a) The Local Issuer shall, or shall cause the Dissemination Agent to, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the "Filing Date") that is not later than 12 months after the end of any Fiscal Year (commencing with its Fiscal Year ending June 30, 2003) as of the end of which such Local Issuer was a MOP, unless as of the Filing Date the Local Issuer is no longer a

MOP. *(The Authority will advise the Local Issuer within 60 days of the end of each Fiscal Year if such Local Issuer was a Material Obligated Person as of the end of such Fiscal Year. Upon written request, the Authority will also advise the Local Issuer as to its status as a MOP as of any other date.)* Not later than ten (10) days prior to the Filing Date, the Local Issuer shall provide the Annual Report to the Dissemination Agent (if applicable) and shall provide copies to the Authority. In each case, the Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of this Disclosure Agreement and (iii) shall include the Local Issuer's audited financial statements prepared in accordance with applicable State law or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements of such Local Issuer must be submitted, if and when available, together with or separately from the Annual Report.

(b) If the Local Issuer is unable to provide an Annual Report to the Repositories by the date required in subsection (a), the Local Issuer shall send a notice to the Municipal Securities Rulemaking Board and any State Repository in substantially the form attached hereto as Exhibit A.

SECTION 4. Content of Annual Reports: Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the Local Issuer, including operating data,

- (i) updating such information relating to the Local Issuer as shall have been included or cross-referenced in the final Official Statement of the Authority describing the Authority's Series 2003 B Bonds, or:
- (ii) if there is not such information described in clause (i), updating such information relating to the Local Issuer as shall have been included or cross-referenced in any comparable disclosure document of the Local Issuer relating to its tax-supported obligations, or:
- (iii) if there is no such information described in clause (i) or (ii) above, initially setting forth and then updating the information referred to in Exhibit B as it relates to the Local Issuer, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to the Local Issuer is an "obligated person" (within the meaning of the Rule), which have been filed with each of the Repositories or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The Local Issuer shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events: Whenever the Local Issuer is a Material Obligated Person required to file Annual Reports pursuant to Section 3(a) hereof and obtains knowledge of the occurrence of a Listed Event, and if such Local Issuer has determined that knowledge of the occurrence of a Listed Event with respect to its local school bonds would be material, such Local Issuer shall promptly file a notice of

such occurrence with each National Repository or the Municipal Securities Rulemaking Board and each State Repository, if any, with a copy to the Authority.

SECTION 6. Termination of Reporting Obligation. The Local Issuer's obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the Local School Bonds.

SECTION 7. Dissemination Agent. The Local Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may discharge any such Agent with or without appointing a successor Dissemination Agent. The Local Issuer shall advise the Authority of any such appointment or discharge. If at any time there is no any other designated Dissemination Agent, the Local Issuer shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the Local Issuer may amend this Disclosure Agreement, if such amendment has been approved in writing by the Authority and is supported by an opinion of independent counsel, acceptable to the Authority, with expertise in federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Agreement shall be deemed to prevent the Local Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the Local Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Agreement, such Local Issuer shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10: Default. Any person referred to in Section 11 (other than the Local Issuer) may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Local Issuer to file its Annual Report or to give notice of a Listed Event. The Authority may, and the holders of not less than a majority in aggregate principal amount of the Bonds outstanding may, take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to enforce any other obligation of the Local Issuer hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the applicable resolution or bonds of the Local Issuer, and the sole remedy under this Disclosure Agreement in the event of any failure of the Local Issuer to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Authority, the Local Issuer, the Participating Underwriters, and holders from time to time of the Authority's Bonds, and shall create no rights in any other person or entity.

SECTION 12: Counterparts: This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Date: November 17, 2003

COUNTY OF APPOMATTOX

By _____

Samuel E. Carter
Chairman of the Board of Supervisors

EXHIBIT A

**NOTICE OF FAILURE TO FILE ANNUAL REPORT
[AUDITED FINANCIAL STATEMENTS]**

Re: VIRGINIA PUBLIC SCHOOL AUTHORITY
SCHOOL REFUNDING BONDS (1997 Resolution)
Series 2003 B

CUSIP Numbers: **92817F K70 -92817F L95**

Dated: May 1, 2003

Name of Local Issuer: County of Appomattox

NOTICE IS HEREBY GIVEN that the County of Appomattox has not provided an Annual Report as required by Section 3(a) of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds issued pursuant to that certain Series Resolution adopted on March 19, 2003, by the Board of Commissioners of the Virginia Public School Authority, the proceeds of which were used to refund certain School Bonds of the County of Appomattox. [The County of Appomattox anticipates that the Annual Report will be filed by the Clerk of the Board.] The County of Appomattox is a material "obligated person" within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, with respect to the above-named bonds of the Authority.

Dated: November 17, 2003

COUNTY OF APPOMATTOX

By _____

Samuel E. Carter, Chairman

EXHIBIT B

CONTENT OF ANNUAL REPORT

Description of the Local Issuer: A description of the Local Issuer including a summary of its form of government, budgetary processes and its management and officers.

Debt: A description of the terms of the Local Issuer's outstanding tax-supported and other debt including a historical summary of outstanding tax-supported debt; a summary of authorized but unissued tax-supported debt; a summary of legal debt margin; a summary of overlapping debt; and a summary of annual debt service on outstanding tax-supported debt as of the end of the preceding fiscal year. The Annual Report should also include (to the extent not shown in the latest audited financial statements) a description of contingent obligations as well as pension plans administered by the Local Issuer and any unfunded pension liabilities.

Financial Data: Financial information respecting the Local Issuer including a description of revenues and expenditures for its major funds and a summary of its tax policy, structure and collections as of the end of the preceding fiscal year.

Capital Improvement Plan: A summary of the Local Issuer's capital improvement plan.

Demographic, Economic and Supplemental Information: A summary of the Local Issuer's demographic and economic characteristics such as population, income, employment, and public school enrollment and infrastructure data as of the end of the preceding fiscal year. The Annual Report should also include a description of material litigation pending against the Local Issuer.

USE OF PROCEEDS CERTIFICATE

This certificate is provided by the County of Appomattox (the "County") to the Virginia Public School Authority (the "Issuer") in connection with the distribution by the Issuer to the County of the next savings realized by the Issuer (the "Distribution") through the issuance of its \$74,850,000 School Refunding Bonds (1997 Resolution) Series 2003 B (the "Bonds").

We understand that the proceeds of the Bonds were used to refund portions of the Issuer's \$115,425,000 School Financing Bonds (1991 Resolution) Series 1994 A (the "1994 Bonds") a portion of the proceeds of which were used to purchase the County's bonds issued on May 5, 1994 (the "County Bonds").

In connection with the issuance of the County Bonds, the County executed a Use of Proceeds Certificate (the "Use of Proceeds Certificate") that recognized that the County Bonds were purchased by the Issuer with the proceeds of the 1994 Bonds and that the exclusion from gross income of interest on the 1994 Bonds was based in part on the use of proceeds of the County Bonds and the school projects financed by such proceeds (the "School Projects") by the County. Consequently, the Use of Proceeds Certificate contained certain representations and covenants of the County regarding the use of the proceeds of the County Bonds and the School Projects.

The County recognizes that the exclusion from gross income of interest on the Bonds is based in part on the representations contained in the Use of Proceeds Certificate and contingent on the continuing compliance by the County with the covenants contained in the Use of Proceeds Certificate.

Accordingly, the County certifies that it has reviewed the representations set forth in the Use of Proceeds Certificate with respect to the School Projects (the "UPC Representations") and the use of the School Projects and that it has discussed with the School Board of the County (the "School Board") their use of the School Projects. Based on such review and discussions, the County hereby certifies that the UPC Representations continue to be true and correct. Such provisions are hereby incorporated by reference into this certificate and shall be treated as representations made by the County as if set forth herein. Furthermore, the County has discussed the UPC Representations with the School Board and neither the County nor the School Board will take any action that is inconsistent with such UPC Representations.

The County further covenants that:

(a) it shall use the Distribution to pay for the cost of public school capital purposes within six months of the date hereof and that such public school capital purposes shall be used in a manner consistent with the UPC Representations (references to school projects shall hereinafter include the public school capital purposes acquired with the Distribution);

(b) it shall not sell or otherwise dispose of the School Projects prior to the final maturity date of the Bonds of August 1, 2013 except as shall be permitted in the opinion of an attorney or firm of attorneys, acceptable to the Issuer, nationally recognized as experienced with respect to matters pertaining to the exclusion from gross income for federal income tax purposes of interest on obligations of States and political subdivisions:

(c) it shall not knowingly take any action which will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder in effect on the date of original issuance of the Bonds; and

(d) in furtherance of its obligations under its County Bonds, it shall obtain the same covenants contained in subparagraph (a), (b) and (c) above from the School Board with respect to the School Projects.

COUNTY OF APPOMATTOX

By _____

Samuel E. Carter

Chairman of the Board of Supervisors

November 17, 2003

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

4. **Recreational Access Funding Agreement:** The Board has received the agreement between the County and VDOT regarding the funding to build the recreation access road and bike path for the recreational park on Route 613.

Staff recommends the Chairman be authorized to execute this agreement.

Mr. Kendrick made a motion seconded by Mr. Moore to approve the Recreational Access Funding Agreement as written and to authorize Mr. Carter, Chairman to execute this document.

APPOMATTOX COUNTY
Project 0752-006-209, N501 (UPC00068140)
Recreational Access
Appomattox County Park

THIS AGREEMENT made an entered into this 17th day of November, 2003 by and between the COUNTY OF APPOMATTOX, VIRGINIA, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the 'LOCALITY'), and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (hereinafter referred to as the ('DEPARTMENT')); and

WHEREAS, the LOCALITY, by resolution dated August 19, 2002, has requested funds from the Recreational Access Program to assist in providing access to Appomattox County Park, located off Route 613, west of the Town of Appomattox; and,

WHEREAS, the Commonwealth Transportation Board has, subject to certain contingencies, allocated an amount not to exceed \$310,000 from the Recreational Access Fund to assist in providing access to the Appomattox County Park, such being designated as project 0752-006-209, N501 (UPC 00068140) (Hereinafter referred to as the "PROJECT"); and,

WHEREAS, the LOCALITY hereby acknowledges and agrees to the contingencies of this allocation, as set forth in the March 20, 2003 and October 16, 2003 resolutions of the Commonwealth Transportation Board, which are made a part of this AGREEMENT by reference; and,

WHEREAS, the parties hereto mutually desire to contribute towards the construction of the access road: and,

NOW, THEREFORE, witness that for and in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

- A. The Recreational Access PROJECT is described as the construction of an 18-foot wide asphalt surface treated roadway with appropriate ditches from Route 613 and continuing east for a distance of approximately 1,870 feet to the

proposed parking lost; the 4-foot wide access roadway shoulders will be asphalt treated to provide for the proposed bikeway; and, Route 613 will be widened to provide a right turn lane at the entrance to the park. This PROJECT shall be designated as Project -752-006-209, N501 (UPC 00068140).

B. The LOCALITY will:

1. Provide the necessary right of way and any required slope and/or drainage easements for this project at no cost to the DEPARTMENT.
2. Prepare any required environmental documents and secure any applicable permits necessary for this PROJECT's construction in the name of the LOCALITY as the owner and operator of the project. Costs associated with this work will not be considered eligible for reimbursement from the Recreational Access Fund.
3. Cause any utilities in conflict with the construction of this project to be adjusted, including the cost of any installations and related engineering, at no cost to the DEPARTMENT.
4. Be responsible for all permit compliance including any compensatory mitigation.
5. Provide copies of all of the permits to VDOT, provide certification that all the required permits have been obtained and agree that the LOCALITY is responsible for compliance with those permits prior to construction of the PROJECT.
6. Secure all right-of-way necessary for the PROJECT's construction in accordance with approved plans, including any required slope, utility and drainage easements, in a manner satisfactory to the DEPARTMENT. The LOCALITY shall certify that all such right-of-way is clear prior to advertisement. Costs associated with the provision of right-of-way will not be considered eligible for reimbursement from the Recreational Access Fund.
7. Arrange for the adjustment of any utilities in conflict with the PROJECT's construction. Costs associated with the adjustment of utilities will not be considered eligible for reimbursement from the Recreational Access Fund.
8. Provide from the LOCALITY's general fund for the financing of all ineligible PROJECT costs and any eligible PROJECT costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in the administration of the Recreational Access Program.:
 - a) in the construction of the access road in excess of \$250,000; and
 - b) in the construction of the bikeway in excess of \$60,000.

C. The DEPARTMENT will:

1. Provide for project advertisement, contract administration, construction and maintenance of the PROJECT as described above in paragraph A.

2. Authorize expenditure of the Recreational Access Fund allocation, in accordance with and subject to the limitations and contingencies of the Commonwealth Transportation Board's resolution of March 20, 2003 and October 16, 2003, for the cost of the project's eligible items and related construction engineering activities.

D. Both parties acknowledge that the PROJECT is state-funded and will comply with the applicable requirements of APPENDIX A.1 as pertaining to the Environmental Process, which is attached and made a part of this AGREEMENT.

THIS AGREEMENT, when properly executed, shall be binding upon parties, their successors, and assigns.

IN WITNESS WHEREOF, the parties sign and cause this Agreement to be executed by their duly authorized officers.

COUNTY OF APPOMATTOX

Clerk of the Board of Supervisors

Date

Chairperson, Appomattox County Board
of Supervisors

Date

APPROVED AS TO FORM

County Attorney

NOTE: Any official signing for and on behalf of a municipality or political subdivision should attach a certified copy of order, resolution, ordinance or charter provision, or a citation of statute, under the authority of which this agreement is executed.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

Phillip A. Shucet
Commonwealth Transportation Commissioner

Date

Signature of Witness

Date

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **CONSENT AGENDA:** (Items 5-15)

5. **Approval of the Bills:** Please approve bills for payment as presented.

6. **Approval of Minutes:** Please approve minutes for Regular Meeting on October 6, 2003; Regular Meeting on October 20, 2003; Recessed Meeting with VDOT on October 21, 2003 and Recessed Meeting on October 25, 2003.

ACTION ITEMS:

7. **Approval of Bills for December 1, 2003:** Please approve by consent for the Chairman to approve the bills for December 1st. This is necessary since the Board's next meeting is scheduled for December 15th.

FUND TRANSFERS:

8. **Revenue Maximization:** Please approve the transfer of \$25,850 from the Revenue Maximization fund to the General Fund and the subsequent supplemental appropriation of \$25,850 to 5310-3003 Revenue Maximization to fund the Community Policy Management Team's decision to fund a prevention program at the Primary School.
9. **Comprehensive Services Act:** Please approve the following fund transfer for \$1,250.00 from the CSA Administrative fund into the General Operation Fund for contract services.

SUPPLEMENTAL APPROPRIATIONS:

10. **Library:** Please approve the following supplemental appropriation as requested by the Library:

7301-5401 Office Supplies	\$194.55
7301-5411 Books	\$498.70
11. **Sheriff's Department:** Please approve the following supplemental appropriations as requested by the Sheriff's Department:

3102-5408 Vehicle Power Equipment Supplies	\$929.52
3102-1002 Overtime	\$1,182.79
3102-7001 Equipment	\$129.00
12. **Courthouse Connector:** Please approve the following supplemental appropriation for \$10,134.25 as requested for architectural and engineering fees associated with the courthouse connector.
13. **Retiree/COBRA Health Payments:** Please approve the following supplemental appropriations to reflect payments received to date from retirees and COBRA participants in the health and dental insurance programs:

1101-2006 Retire Health Insurance	\$6,325.14
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14. **Recreation Refund:** Please approve the following supplemental appropriation for cancellation of a rental at the Community Center.

7102-5803 Refund	\$100.00
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Line Item Transfer:

15. **Library:** Please approve line item transfer in the amount of \$3,770.00.

There was some discussion regarding the Courthouse Connector.

Mr. Kendrick made a motion seconded by Mr. Carwile to approve the **Consent Agenda** as presented. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

At 6:58 p.m. Mr. Carter called for a short recess.

At 7:03 p.m. Mr. Carter reopened the meeting and stating there was be a **Joint Public Hearing with the Planning Commission.**

PRESENT: (Planning Commission)

Steve Conner
Al Sears
Calvin Tanner
Jerry Hughes
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson

ABSENT: (Planning Commission)

Kevin O'Brien
Susan Hudson

Mr. Carter read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting to Mr. John Spencer who read the first petition:

#03-530 – James Nolen, Thomas Nolen and Ann Coleman; Rezone from R-1 Residential to A-1 Agricultural 6.59 acres located on Route 645 between Route 679 and Route 604. Tax Map #87-2-9.

Mr. Spencer called for comments for this petition.

Mr. Jim Nolen, Route 719, Appomattox, VA came forward. Mr. Nolen stated they are requesting this change because it would be more conforming to other adjacent property. This would allow for the placing of doublewides on the property. There are both doublewides and single-wides presently in the vicinity. He would not request this change if he felt it would be harmful to anyone in the community.

Mr. Spencer called for comments against this petition. Hearing none, he presented the next petition.

#03-531 – Clayton Bryant, Jr. – Rezone from A-1 Agricultural to R-1 Residential 162.72 acres located on Route 613 between Route 460 and Route 659 for the purpose of residential development. Tax Map #63(A)3 & 4.

Mr. Spencer called for comments for this petition.

Hearing no comments for or against this petition Mr. Spencer stated that **Petition #03-1024 – Charles M. Warner** had been withdrawn and turned the meeting back to Mr. Carter.

At 7:08 p.m. Mr. Carter closed the Public Hearing and called for a short recess.

At 7:14 p.m. Mr. Carter re-convened the meeting and addressed **ADMINISTRATIVE ITEMS:**

1. **Petition #03-523 – Courtland Realty/S. L. Ferguson:** The Board at its last meeting requested that staff approach the Town of Appomattox regarding the possibility of serving this proposed project with public water and sewer. Mr. David Garrett, Town Manager has indicated the Town's Utility Committee has decided that it will consider the extension of the water and sewer to serve the site if the developer provides the Town with a preliminary engineering report and Health Department approval. Based upon the willingness of the Town to consider the extension of these lines to the development, staff has modified the conditional use permit and made some changes to the Freedom Homes Milestones. Two motions would be necessary to approve this petition.

After some discussion, the Board tabled action on this petition until the Town of Appomattox grants the extension of water and sewer to serve the proposed development..

Mr. Carter next called the Board's attention to the **INFORMATIONAL ITEMS** (Items 16-22)

16. **Letter from the Hon. Virgil Goode:** Congressman Goode has written a letter relating to Sailor's Creek State Park.
17. **Appomattox Town Council Agenda:** Agenda for Town Council meeting/workshop held on October 28 and November 10, 2003.
18. **Monthly Update:** Monthly updates on County Projects.
19. **Virginia's Retreat Website Press Release:** They not have a website for tourism.
20. **School's Monthly Financial Report:** Financial report for the Month of December.
21. **Regional Airport Authority:** Regional airport report and consideration to move to a regional airport authority.

22. **Chamber of Commerce: Certificate** of Appreciation to the Board for its contribution to the re-enactment.

Mr. Carter next asked if there were any **Supervisor's Concerns:**

Mr. Carter addressed the meeting with the Appomattox County National Historical Park to be held on December 3rd. There appears to be a coming together of all concerned citizens and things are improving for tourism. Also, there was a meeting of the Water Committee on November 13, and as the Board's representative he would like to give a little update. Things are moving forward for setting goals for the line, measuring where we are and where we want to go.

Mr. Kendrick stated he would like to see the Public Service Authority placed on the agenda for the next meeting with joint participation. He would like to see a recommendation from the Committee.

Mr. Carter stated the need for a closed session in accordance with §2.2-3711 A.1 of the Code of Virginia, Personnel issue and §2.2-3711 A.5 of the Code of Virginia – Business and Industry Development.

At 7:27 p.m. Mr. Moore made a motion seconded by Mr. Carwile to enter into closed session for the purpose of discussion of a personnel matter- employee performance- under §2.2-3711 A.1 of the Code of Virginia, and the discussion of a prospective business under §2.2-3711 A.5 of the Code of Virginia where no previous announcement has been made. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Tom Conrad was invited to attend the closed session as a Supervisor-Elect.

At 8:32 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711 A.1 – of the Code of Virginia, for the purpose of discussing a personnel performance issue and §2.2-3711 A.5 – of the Code of Virginia, for the purpose of discussing a prospective business.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated there was nothing to discuss from the closed session.

Mr. Carter then reminded the Board of several upcoming meetings and events:

The Christmas Parade and Lighting of the Candles Celebration

Saturday, December 6, 2003

Activities begin at 9:00 a.m.

Parade at 3:00 p.m.

Lighting of the Candles at 5:00 p.m.

Monday, December 15, 2003

Regular Board Meeting

Council Chambers – Appomattox Town Office

6:30 p.m.

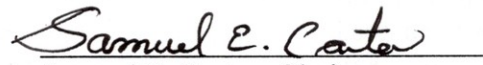
Monday, January 5, 2004

Organizational Meeting

Council Chambers – Appomattox Town Office

6:30 p.m.

At 8:35 p.m. Mr. Kendrick made a motion seconded by Mr. Moore to adjourn. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Saturday, December 6, 2003 at 9:00 a.m. the Appomattox County Board of Supervisors held a Special Called Meeting in Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Russell H. Moore – Piney Mountain District
Jerry G. Kendrick – Appomattox River District

ABSENT: Frank H. Carwile – Wreck Island District
Jesse L. Hancock – Falling River District

ALSO PRESENT:

Shawn Armbrust – Supervisor Elect, Wreck Island District
Willie Craft – Supervisor Elect, Appomattox River District
Thomas Conrad – Supervisor Elect, Falling River District

Andy Carroll – County Administrator
Johnny Overstreet – County Attorney
Anne Dixon – Director Parks, Recreation & Tourism

At 9:12 a.m. Mr. Carter opened the meeting and gave the invocation.

Mr. Carter stated the purpose of the meeting to discuss the possible purchase of real estate and called for a closed session under §2.2-3711.A.3 of the Code of Virginia - Real Property (acquisition of real property for public purpose where public discussion would jeopardize the County's bargaining or negotiating position).

At 9:14 a.m. Mr. Kendrick made a motion seconded by Mr. Moore to enter into closed session as per §2.2-3711.A.3 of the Code of Virginia for the purpose of discussing acquisition or real estate. VOTE: Mr. Moore, aye; Mr. Kendrick, aye & Mr. Carter, aye. (3 aye votes)

At 10:12 a.m. on a motion by Mr. Moore and seconded by Mr. Kendrick the Board returned to regular session. VOTE: Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (3 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under § 2.2-3711.A.3- of the Code of Virginia, for the purpose of discussing a real estate purchase.

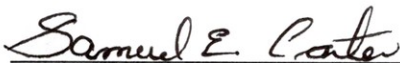
AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (3 aye votes)

Mr. Carter asked if there was any discussion as a result of the closed session.

At 10:14 .m. Mr. Moore made a motion seconded by Mr. Kendrick to adjourn.
VOTE: Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (3 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, December 15, 2003 the Appomattox County Board of Supervisors, the Appomattox Town Council and the Appomattox County Planning Commission held a joint meeting and public hearing in Council Chambers at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
 Jesse L. Hancock – Falling River District
 Frank H. Carwile – Wreck Island District
 Russell H. Moore – Piney Mountain District
 Jerry G. Kendrick – Appomattox River District

ALSO PRESENT:

Andy Carroll – County Administrator
 John Spencer – Assistant County Administrator
 J. G. Overstreet – County Attorney
 Shawn Armburst – Supervisor Elect – Wreck Island District
 Willie Craft – Supervisor Elect – Appomattox River District
 Thomas Conrad – Supervisor Elect – Falling River District

At 6:31 p.m. Mr. Carter opened the Board of Supervisors meeting and gave the invocation.

Mr. Carter next stated there was one person who wished to speak during the **Citizen Public Comment** Period.

Mr. John Wilson came forward and stated he was going to do something very uncharacteristic and say something that was non-confrontational as he is feeling charitable due to the season. He also notices fewer lines on the faces of the outgoing Supervisors and Mr. Carroll's face is much smoother and he seems to be much happier. He wanted to say "Thank You" to the Supervisors and to Mr. Carroll for the hard work and dedication they have put into their jobs. He reassured each of them that they could do just as much good outside of the office as they did while serving in their respective capacities. Mr. Carroll, you may make more money and life may get better. He feels Mr. Carroll is a very talented young man and he has a lot of admiration for him. He did not have to agree with all your opinions but he wanted to say thank you very much. Also for those incoming supervisors he promised to be just as much test a to them as he had been to the others in the past.

Mr. Carter next stated the Recreational Park Committee has requested to meet with the Board to provide an update on the progress made to date and the future plans for the park.

Fred Kruschwitz, Gary Gilliam and Anne Dixon came forward representing the Recreational Park Committee. Mr. Kruschwitz complimented D. S. Nash Construction Company on the work performed at the park. There may be a need to do a little ground

scrapping when seeding is done in the spring but overall he is well pleased with the work that has been completed. RSG Landscaping has been contacted to seed the slopes. Volunteers will also help with the seeding process. For the present time, the land will have to be watched for erosion. VDOT is moving ahead with the entrance roads.

Mr. Gilliam commented on the soccer fields and how he was amazed at the way the work developed, with everyone knowing what had to be done and when to do it.

Mr. Kruschwitz stated they had about \$6,000 extra involved in top soil and the slopes on the back side. He also presented some displays of the proposed fields. They now have five (5) fields approved for Erosion & Sediment (E & S) control. They do not have the Department of Environmental Quality approval as yet but they would like to go ahead with the development of these fields. E & S has asked that two (2) fields be done at a time. He is writing up the contracts at this time. Each field has a balance in itself. These fields will require about 33,000 -34,000 yards of earthwork. He would like to put these out for bids. There will be no performance bond, no time limit, no incentive and no deduct penalty. They are asking the Board's permission to put these fields out and would like to request a year to allow the contractor to do the work.

Mr. Carter commented that they have really done a good job. Every citizen in Appomattox County is really proud of what has been done.

Mr. Carwile questioned the acreage involved in the preparation of the soccer fields.

Mr. Gilliam stated that it would required about 12 – 14 acres but there was still a lot of acreage left for other uses such as wooded areas, and such.

Mr. Moore made a motion seconded by Mr. Carwile to allow the Recreation Committee to proceed with bid documents (reviewed by County Attorney) and once bids are received they would come back to the Board for approval. VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye.

Ms. Anne Dixon, Director of Parks, Recreation and Tourism gave an update on tourism activities including prices on the brochure for Appomattox County, advertising costs, meetings with meeting planners from colleges, businesses and corporations in the immediate area, etc. to give them the brochures. She also discussed the Directory to be located in Courthouse Square. Brochures have also been mailed to tour operators in North Carolina, Pennsylvania, Florida and Georgia. The Virginia Travel Corporation visit scheduled for December 12, was cancelled. It will be rescheduled in January. They are continuing to work on marketing strategies, etc and producing a winter schedule for the Recreation Department. She also relayed a story about a bus tour group from Georgia that she saw at the Plaza Shopping Center one day last week. She contacted Susan Book on Main Street and one of the Visitor Center's volunteers approached the bus when it stopped on Main Street and told them what we have to offer as eating and shopping facilities in Appomattox.

At 7:00 p.m. Mr. Carter stated there would be a Joint Public Hearing of the Appomattox Town Council and the Appomattox County Planning Commission.

PRESENT: (Appomattox Town Council)

Ronald Spiggle – Mayor
Marvin Mitchell
Norman Mayberry
Joyce Bennett
Steve Lawson
Lewis McDearmon
W. H. Carson

PRESENT: (Appomattox County Planning Commission)

Kevin O'Brien
Steve Conner
Al Sears
Calvin Tanner
Jerry Hughes
Jim Seftor
Marvin Mitchell
John Wilson
Robert Johnson

ABSENT: (Appomattox County Planning Commission):

Susan Hudson

At 7:03 p.m. Mr. Carter opened the Public Hearing and read the following statement:
This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter turned the meeting over to Mr. Spencer, Acting Zoning Administrator.

Mr. Spencer read the first petition for consideration:

Petition #03-530 – James Nolen, Thomas Nolen and Anne Nolen Coleman: Rezone from R-1 Residential to A-1 Agricultural, property located on Route 645 between Route 679 and Route 604. Tax Map Numbers 87(2)9, 87(2)10, 87(2)11, 87(2)12 and 87(A)24.

Mr. Spencer asked if anyone wished to speak for this petition.

Mr. Jim Nolen came forward and stated that they had presented this request at a previous meeting and had followed the commission recommendations received at that time. He will be happy to answer any questions at this time.

Mr. Spencer asked for further comments for or against this petition.

Hearing none, Mr. Spencer read the next petition.

03-1024 – Charles M. Warner: Conditional Use permit to build five (5) apartment units per section 74-177 of the Appomattox Town Zoning Ordinance. The property is located on Lucy Street, Tax Map #6476(A)24.

Mr. Spencer called for comments for this petition.

Hearing no comments for or against this petition, Mr. Spencer turned the meeting back to Mr. Carter.

At 7:05 p.m. Mr. Carter closed the Public Hearing and called for a short recess.

At 7:12 p.m. Mr. Carter stated the next item on the agenda was the **VDOT Public Hearing on the Six Year Secondary Road Improvement Plan.**

VDOT will conduct the public hearing to receive any comments on the proposed six year plan for secondary roads.

Present from VDOT: Don Austin, Resident Engineer
Cathy Arrington, Contract Administrator VDOT Office
Donald Harvey, Maintenance Supervisors

Mr. Austin discussed the Six Year Plan on how it was developed and the purpose of presenting this plan. He asked if there were any requests for new roads to be accepted into the highway system. Mr. Austin distributed some copies of the Six Year Plan and proceeded to discuss the details of what was included in the plan.

At 7:24 p.m. Mr. Carter closed the Public Hearing on the VDOT Six Year Secondary Plan.

ADMINISTRATIVE ITEMS: (Items 1-4)

1. VDOT Six Year Plan Resolution: At a public hearing held earlier in the evening, the Board was presented with the Six Year Plan for Secondary Road Improvements.

Mr. Moore made a motion seconded by Mr. Carwile to adopt the following resolution as presented by the Virginia Department of Transportation.

WHEREAS, the Board of Supervisors of Appomattox and the Virginia Department of Transportation held a public hearing on December 15, 2003, in accordance to Section

33.1-70.01 of the Code of Virginia at which the proposed Six-year Plan for Secondary Road Improvements for 2004-05 through 2009-10 was presented by D. L. Austin, Resident Engineer for the Virginia Department of Transportation.

WHEREAS, the proposed list for the 2004-05 Secondary Road Construction Budget was also presented for consideration;

BE IT RESOLVED, that the Secondary Road Improvement Six-Year Plan for 2004-05 through 2009-10 is hereby approved.

BE IT FURTHER RESOLVED, that the priority list for the 2004-05 Secondary Road Construction Budget is hereby approved.

VOTE: Mr. Hancock, aye; Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called **Mr. Glynn Loope, President of Commonwealth Advance** to appear before the Board. Mr. Loope is appearing tonight to present the Workforce Training Center Study that was initiated by the Board and funded by the Tobacco Commission. Mr. Loope will provide an overview of the report and will be available to answer questions from the Board.

Mr. Loope began by presenting a VEDA article on what your workforce can do. Any area that will become successful in the future will have to discuss Educational Development as well as Economic Development. According to 2001 figures, the per capita income for Appomattox County was \$21,286 which is about \$3,300 less than the Lynchburg area and about \$17,000 below the Commonwealth of Virginia as a whole. There are approximately 351 families in Appomattox County living below the poverty level with an unemployment rate that is almost double the State and regional average.

Mr. Loope also discussed the GED initiative. The Adult educational center needs a new building and the number of GED participants needs to be raised. People will not generally travel 45 minutes to an hour to attend educational classes. They will however, seek these opportunities if they are available within their own communities.

Mr. Loope made several recommendations for establishing a center for higher education in Appomattox County, utilizing the former Appomattox County Elementary School and the Carver-Price School Building. Appomattox County also needs to pursue grant funds available for these purposes. March 1, 2004 is the deadline for applications to the Tobacco Commission.

Mr. Carter next asked called **Mr. Wayne Phelps, President – Historical Society** to address the Board. Mr. Phelps is meeting with the Board to discuss the status of improvements to the museum and also to discuss the World War II Memorial.

Mr. Phelps says the museum project is almost complete. There were some unforeseen problems in repairing the porch. These have been taken care of and everything looks

very nice. Mr. Phelps recognized all those individuals and businesses who contributed to this remodeling project.

Mr. Phelps is continuing to work on a project started by Mr. C. T. Moses – the brass plaques to be placed in the new courthouse. Mr. Phelps is proposing that we build a World War II statue with a memorial wall instead. He hopes to get this project done for around \$50,000. Mr. Phelps would like to see the Board consider this request and take a vote tonight.

Some Board members felt the Board should act on this tonight. Others felt it should be decided by the new Board after they take office, since it will involve the use of taxpayers money. There was also some discussion regarding raising some funds for this project.

Mr. Carwile made a motion, seconded by Mr. Hancock to accept this presentation and donate \$53,000 to construct this memorial tonight. VOTE: Mr. Hancock, aye, Mr. Carwile, aye; Mr. Moore, nay, Mr. Kendrick, nay and Mr. Carter, nay. (2 aye votes, 3 nay votes)

Mr. Carter called for a short recess at 8:17 p.m.

Mr. Hancock left the meeting during the recess period.

Mr. Carter reopened the meeting at 8:27 p.m. and continued with the Administrative Items:

2. Planning Commission Recommendations: Please find Planning Commission recommendations for Petition 03-531 – Clayton Bryant, Jr. to rezone from A-1 Agricultural to R-1 Residential 162.27 acres located on Route 613 between Route 460 and Route 659 for the purpose of residential development. Tax Map #63(A)3&4.

Mr. Carwile made a motion seconded by Mr. Moore to approve for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Board of Supervisors moves to approve **petition 03-531 of Clayton Bryant, Jr.** to rezone a parcel of land located on Route 613 between Route 460 and Route 659 from A-1 Agricultural to R-1 Residential. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

3. E-911 Proposed Change Order: We have received a change order to address the mechanism to name the private roads that were discovered during the structure identification process. Timmons has provided two approaches for addressing the matter and has included the cost to perform each. It will be important for these roads to be named as part of the E-911 process.

Staff recommends that the Board approve the proposed change order using Approach B and authorize the County Administrator to execute the change order.

APPROACH A:

The first approach for private street naming assistance is to distribute street naming assistance packets while address markers are being manufactured for the county and before addresses are assigned. This approach will collect road name information sooner and result in all structures receiving addresses with road names.

Timmons Group will identify all structures associated with an unnamed road and attribute them with the generic unnamed road name prior to addressing the structures. Next we will distribute a "Naming Assistance Packet" to all identified structures. Then we will collect citizen responses, forward those to the County for consideration and resolution, assign the road name provided by the County, and distribute the structure address complete with the next road name.

Approach A will cost the County \$8,745.

APPROACH B:

The second approach for private street naming assistance is to distribute street naming assistance packets as part of the address delivery task. This process will collect road name information after delivery of the structure address. The County will need to notify the structure occupants of the new road name once selected and approved by the County. Occupants will then use the new road name along with the structure address number received using the delivery task as their new structure address.

Timmons Group will identify all structures associated with unnamed roads and attribute them with the generic unnamed road name as part of addressing the structures. Next we will distribute a Naming Assistance Flyer to all identified structures as part of the Addressing Notification Packet. The structure address included in the packet will read as follows: 9999 UNNAMED ROAD XX. Then we will collect citizen responses, forward them to the County for consideration and resolution, assign the road name provided by the County, and provide a list of all addresses on the roads which need to be notified by County Staff.

The county can take advantage of the citizens desire to have an official road name to go along with their newly assigned address number. There will be no additional delivery costs since there is no additional field visit. The disadvantage to this approach is that the packets will not be delivered up front and naming of the roads will occur much later than in Approach A. The county can be broken into sixths (four parts County, 2 parts town) and streets can be named in batches.

Approach B will cost the County \$5,384.

After some discussion, Mr. Kendrick made a motion seconded by Mr. Carwile to accept Approach B as the method of naming the unnamed private roads and to authorize the County Administrator to execute the Change order. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye; (4 aye votes, 1 absent)

4. **Contract Proposal:** Ms. Ora McCoy has submitted an unsolicited contract proposal to Mr. Carter to perform grant writing services for the County for the purpose of rehabilitating the Carver-Price Elementary School. The submitted proposal does not conform to some of the standards typically included in similar contracts executed by the County for professional services. Items typically included are: 1) Specific deliverables along with specific time frames for completion, 2) Not to exceed cost figure or lump sum cost to perform the service, 3) Payment on contracts are typically done at the conclusion of the project or billed as a percentage complete, 4) Termination clauses for the contract.

Contract Proposal

Purpose: This concept document is prepared for the primary party Appomattox County Board of Supervisors and secondary party Ora S. McCoy proposes to provide contractual general services support to the Appomattox County Board of Supervisors. The proposal includes overview concept of how services would be provided.

Once agreed to in principal by the Appomattox County Board of Supervisors. The Appomattox County Board of Supervisors and Ora S. McCoy will utilize Concept Proposal to prepare a General Services Contract for joint signatures.

As in the past I will continue to work energetically to help the County of Appomattox. We will achieve our objectives for the Carver Price Museum and Educational Complex.

My services will include government networking strategies, marketing strategies, teaming strategies and assistance in obtaining State and National Historic register recognition for the purpose of obtaining Government Grants, Awards and Funding.

It is proposed that the County of Appomattox provide Ora S. McCoy as \$2,500.00 retainer and \$2,500.00 per month for the duration of the contract. Administrative cost and expenses will be added in the grant application and reimbursed to County as applicable.

The county upon approval will pay miscellaneous expenses.

When both parties agree to the service contract, Ora S. McCoy will utilize her resources to achieve the objectives identified in the contract.

Working together for Appomattox County as the Director and Coordinator of Grants, Awards and Funding, there is great potential for achieving our goals.

Staff recommends the Board determine if contracting for these grant writing services is something it wishes to pursue. If the Board wishes to pursue a contract for professional services for this project that it incorporate the items listed above into such a contract.

Mr. Carter suggested the Board table this until the next meeting.

Mr. Kendrick recommended the Board follow the normal procedures. This should be placed on the agenda, and if determined to be necessary, it should be advertised as any other service contract. The Elementary School Committee should make the recommendation that the Board of Supervisors hire or contract for grant writing services.

Mr. Kendrick made a motion seconded by Mr. Moore to table this Contract Proposal until a January meeting. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called for action on the **CONSENT AGENDA:** (Items 5-17)

5. Approval of Bills: Approve bills for payment as submitted.
6. Approval of Minutes: Approve minutes for Regular Meeting and Public Hearing on 11/17/03 and Special Called Meeting on 12/6/03.

ACTION ITEMS:

7 Board Appointments:

- a. Industrial Development Authority: Please approve the reappointment of Laurie Harris and Walter Hancock to the IDA for a term of four years to expire on December 31, 2007.
- b. Community Service Board: Please approve the reappointment of Lynn Doss to the Community Services Board as requested.
- c. Piedmont ASAP: Please approve the appointment of Robert W. Carter to the Piedmont ASAP Board to replace Mike Scott who resigned.

8. **Contract Hauler Application:** Please approve the appointment made by Bent Creek Waste Management to haul Commercial/Residential waste.

FUND TRANSFERS:

9. **Sports Complex:** Please approve by consent the transfer of \$3,253.00 from the Sports Complex Fund to the General Fund and supplementally appropriate \$3,253.00 to 7101-700 Capital Outlay for work performed at the sports complex.

SUPPLEMENTAL APPROPRIATIONS:

10. **Library:** Please approve supplemental appropriations as requested by Library:

7301-5401	Office Supplies	\$213.25
7301-5411	Books	\$302.14

11. **Sheriff's Department:** Please approve supplemental appropriations as requested by the Sheriff's Department:

3102-5408	Vehicle Power Equipment Supplies	\$10.00
3102-1002	Overtime	\$790.00

School Resource Officers:

3104-1001	Salaries & Wages	\$1,148.00
3104-2001	FICA	\$87.82

3104-2002 VRS

\$126.28

- 12. Courthouse:** Please approve supplemental appropriation as they relate to Courthouse:

8103-8002	Courthouse Bond 2003	\$117,482.00
5309-3003	Connector	\$2,461.88

- 13. State Salary Increases:** Please approve supplemental appropriations to reflect salary increase approved by the State for Constitutional Officers and staff, Registrar, and Electoral Board.

Sheriffs Department:

2107-1001	Salaries & Wages	\$876.00
2107-2001	FICA	\$ 67.01
2107-2002	VRS	\$ 96.36

3102-1001	Salaries & Wages	\$20,459.00
3102-2001	FICA	\$1,565.11
3102-2002	VRS	\$2,250.49

Commonwealth Attorney

2201-1001	Salaries & Wages	\$2,937.00
2201-2001	FICA	\$224.68
2201-2002	VRS	\$323.07

Commissioner of Revenue

1209-1001	Salaries & Wages	\$3,454.00
1209-2001	FICA	\$264.23
1209-2002	VRS	\$379.94

Treasurer

1213-1001	Salaries & Wages	\$3,174.00
1213-2001	FICA	\$242.81
1213-2002	VRS	\$349.14

Electoral Board

1301-1001	Salaries & Wages	\$142.00
1301-2001	FICA	\$10.86

Registrar

1302-1001	Salaries & Wages	\$820.00
1302-2001	FICA	\$62.73
1302-2002	VRS	\$90.20

Clerk of the Court

2106-1001	Salaries & Wages	\$3,249.00
2106-2001	FICA	\$248.55

2106-2002 – VRS

\$357.39

- | | | |
|-----|-----------------------------------|--|
| 14. | Landfill: | Please approve supplemental appropriation to reflect unbudgeted and unanticipated engineering costs associated with the methane migration issue at the landfill. |
| | 4204-3002 – Professional Services | \$59,176.00 |
| 15. | Museum Repair: | Please approve supplemental appropriations for repairs performed to the museum. |
| | 4301-7008 – Historical Society | \$379.00 |
| 16. | School: | Please approve supplemental appropriations as requested: |
| | Temporary Courthouse | \$23.29 |
| | Temporary Courthouse | \$19.41 |
| | Hurricane Isabel FEMA money | \$624.40 |
| 17. | Precinct Accessibility: | Please approve supplemental appropriation as requested that relates to the accessibility improvements made to the voting precincts as approved by the Board last fiscal year and completed this fiscal year. |
| | 1302-7009 Precinct Accessibility | \$3,229.05 |

Mr. Kendrick made a motion seconded by Mr. Moore to accept the **Consent Agenda** as written. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called attention to the Informational Items (Items 18-23)

18. **Letter from NESBE Cable:** Letter from Nesbe Cable regarding programming changes.
19. **Appomattox Town Council Agenda:** Agenda for Town Council meeting/workshop on December 8, 2003.
20. **Monthly Update:** Monthly update on County projects.
21. **School's Monthly Financial Report:** Financial report for Month of January 2004.
22. **Landfill Inspection Report:** DEQ Inspection Reports for Landfill.
23. **Letters from VDH concerning Biosolids applications:** Letters from Virginia Health Department as they relate to biosolids applications in Appomattox County.

Mr. Carter called for **Supervisor's Concerns**: Mr. Carter read Proclamations Commending Frank Carwile, Jesse Hancock and Jerry Hughes for service as Appomattox County Board of Supervisors.

Proclamation Commending Frank Carwile on Service as Appomattox County Board of Supervisor

Whereas, Frank Carwile, was duly elected by the citizens of the Wreck Island District to serve as their representative on the Board of Supervisors since January 1, 1992; and

Whereas, Mr. Carwile has ably and passionately represented the citizens of his district and Appomattox County as demonstrated by the countless hours dedicated to performing the public's business; and

Whereas, He served the citizens of the County with great distinction;

How Hereby Be it Proclaimed, that the citizens of Appomattox County do hereby express gratitude for the leadership and selfless service provided by Frank Carwile during his tenure on the Board of Supervisors and wish him well in all of his future endeavors

December 15, 2003

Samuel E. Carter, Chairman
Appomattox County Board of Supervisors

December 15, 2003

Darrell A. Carroll Jr., Clerk of the Board
County Administrator

Mr. Carwile stated he had enjoyed working with the Board and representing the people of the Wreck Island District as well as the people of Appomattox County.. It has been his pleasure.

Mr. Carter then read the following:

**Proclamation Commending Jerry Kendrick on Service as
Appomattox County Board of Supervisor**

Whereas, Jerry Kendrick, was duly elected by the citizens of the Appomattox River District to serve as their representative on the Board of Supervisors since January 1, 2000; and

Whereas, Mr. Kendrick has ably and passionately represented the citizens of his district and Appomattox County as demonstrated by the countless hours dedicated to performing the public's business; and

Whereas, Mr. Kendrick served as chair of the Appomattox County Board of Supervisors in 2001 and as Vice-Chair in 2003 including all the duties attached with those positions; and

Whereas, He served the citizens of the County with great distinction;

Now, Hereby Be it Proclaimed, that the citizens of Appomattox County do hereby express gratitude for the leadership and selfless service provided by Jerry Kendrick during his tenure on the Board of Supervisors and wish him well in all of his future endeavors

December 15, 2003

Darrell A. Carroll Jr., Clerk of the Board
County Administrator

December 15, 2003

Samuel E. Carter, Chairman
Appomattox County Board of Supervisors

Mr. Kendrick stated it has been his pleasure to serve on the Board of Supervisors.

Mr. Carter then read the following :

**Proclamation Commending Jesse Hancock on Service as
Appomattox County Board of Supervisor**

Hwereas, Jesse Hancock, was duly elected by the citizens of the Falling River District to serve as their representative on the Board of Supervisors since January 1, 2000; and

Whereas, Mr. Hancock has ably and passionately represented the citizens of his district and Appomattox County as demonstrated by the countless hours dedicated to performing the public's business; and

Whereas, Mr. Hancock served as Vice-chair of the Appomattox County Board of Supervisors in 2001 and 2002 including all the duties attached with those positions; and

Whereas, He served the citizens of the County with great distinction;

Now Hereby Be It Proclaimed, that the citizens of Appomattox County do hereby express gratitude for the leadership and selfless service provided by Jesse Hancock during his tenure on the Board of Supervisors and wish him well in all of his future endeavors

December 15, 2003

Samuel E. Carter, Chairman
Appomattox County Board of Supervisors

December 15, 2003

Darrell A. Carroll Jr., Clerk of the Board
County Administrator

Mr. Hancock was not present.

At 8:40 p.m. Mr. Carter stated the need to enter into a closed session in accordance with §2.2-3711 A. 1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-2711A.7 for the consultation with legal counsel - Biosolids.

At 8:51 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to enter into a closed session in accordance with §2.2-3711 A. 1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-2711A.7 for the consultation with legal counsel - Biosolids. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 10.02 p.m. Mr. Moore made a motion seconded by Mr. Kendrick to return to regular session. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

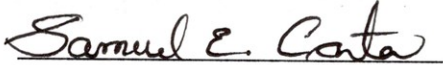
Mr. Carter next read the following Certifying Statement:

Whereas, this Board convened in a closed meeting under § 2.2-3711A.1- of the Code of Virginia, for the purpose of discussion of a personnel matter and §2.2-3711A.7 for the consultation with legal counsel – Biosolids.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question: ROLL CALL VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 10:05 p.m. Mr. Carwile made a motion seconded by Mr. Kendrick to adjourn. VOTE: Mr. Carwile, aye; Mr. Moore, aye; Mr. Kendrick, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


Samuel E. Carter, Chairman

On Monday, January 5, 2004 the Appomattox County Board of Supervisors held its annual Organizational Meeting at 6:30 p.m. in Council Chambers at the Appomattox Town Office, Linden Street, Appomattox, Va.

PRESENT:

Samuel E. Carter – Courthouse District
Russell H. Moore – Piney Mountain District
William H. Craft – Appomattox River District
Thomas H. Conrad - Falling River District
Shawn A. Armbrust – Wreck Island District

ALSO PRESENT:

John K. Spencer, Jr. – Interim County Administrator
Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Spencer called the meeting to order and asked Mr. Carter to give the invocation.

This being the organizational meeting, Mr. Spencer stated the first item for consideration was the nominations for Chairman and the election of Vice-Chairman. Mr. Spencer asked if there were any questions regarding the nomination process.

Mr. Tom Conrad nominated Mr. Samuel Carter to be Chairman for the upcoming year, 2004. Mr. Conrad feels that with three new board members, Mr. Carter's experience would be beneficial to the Board.

Mr. Spencer asked if there were any other nominations for the Chairman of the Board.

Mr. Spencer stated that since there were no other nominations for the Office of Chairman, he asked for a motion that Mr. Samuel E. Carter be elected Chairman of the Appomattox County Board of Supervisors by acclamation. VOTE: Mr. Armbrust, aye; Mr. Craft, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Spencer then turned the meeting over to Mr. Carter.

Mr. Carter thanked his fellow board members for their vote of confidence and stated that he feels each will work together as one team, one unit, and that they will move forward with what is best for the County.

Mr. Carter then called for nominations for the office of Vice-Chairman.

Mr. Armbrust nominated Mr. William Craft.

Mr. Carter asked for other nominations, hearing none he closed the nomination process.

Mr. Carter called for a vote on the nominations of Mr. William Craft as Vice-Chairman of the Appomattox County Board of Supervisors for the upcoming year. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Craft thanked everyone for their support.

Mr. Carter next asked that the dates and times for the Board meetings be set for the upcoming 2004 calendar year. A proposed schedule was provided, with meetings being scheduled for 6:30 p.m. on the first and third Monday of each month, except when these dates fall on a Holiday. In those instances, the meeting would be moved to the next day (Tuesday).

Mr. Armbrust made a motion, seconded by Mr. Moore, to continue with the meetings on the first and third Monday of each month at 6:30 p.m. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Overstreet raised the question of inclement weather causing the meeting to be held at a later date and time.

Mr. Carter next asked the Board to adopt the rules for conducting the meetings. The Board has in the past used *Robert's Rules of Order, Newly Revised*, as interpreted by the Chair. Also included was an alternative set of rules designed for small boards and committees.

Mr. Conrad asked if Mr. Carter was comfortable with using Roberts Rules of Order and what would be the benefits of using the small business rules.

Mr. Overstreet stated there were some changes to be made to the printout of rules for small boards as presented. He then stated that these rules of order were much simpler than *Robert's*; however, it may be better for the Board to stay with *Robert's* for the upcoming year.

Mr. Moore made a motion, seconded by Mr. Craft, to adopt *Robert's Rules of Order, Newly Revised*, for conducting the meeting for the upcoming year. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for **Citizen's Public Comments** and asked if anyone wished to address the Board.

Mrs. Ora McCoy came forward. She wished to address the issue of a possible contract to provide service to the Appomattox County Board of Supervisors as the Director and Coordinator of Grants, Awards and Funding for the Carver-Price Educational Complex. When she presented a proposed contract to Mr. Carter, Chairman of the Board, she was unaware of the bid process. Due to the critical timeframe to submit a grant application Mr. Carter suggested that such a proposal be presented. They were acting on a timeframe dictated by the Save American Heritage Grant process. She informed Mr. Carter that the first phase of the grant process would begin January 1, 2004 and end March, 2004. \$33,779,000 was awarded from this fund in 2003 for such projects. She also informed Mr. Carter that all plans for the project need not be in place to begin this grant process, only a commitment to the project. Her preface was to take action and move forward on behalf of the County to solicit funds for Appomattox County and bring this project to fruition. According to Ms. McCoy, we are wasting valuable time and need to move forward. Also this would be an investment, not a burden to the taxpayers because administration costs are built into the grant application. Cost was not a factor when Commonwealth Advance from Covington was hired to conduct a survey and paid around \$30,000. She was not aware of that particular survey being advertised for bids nor do we have anything to show for that service.

The information given to the Elementary School Committee and the Board of Supervisors from the Commonwealth Advance firm was provided free from the Central Va. Community College, Mr. Stewart Robinson and herself. We need to move forward in a positive way and make this a project for all citizens of Appomattox County.

Mr. Carter asked if anyone else wished to speak at this time. Hearing no one, he closed the Citizens Comments Period.

Mr. Carter next called Ms. Rowena Robinson, Carver Price Alumni Association to address the Board.

Ms. Robinson is appearing before the Board to present a proposal to use a portion of the Carver Price Elementary School for a museum. This proposal was presented to the Elementary School Committee at its last meeting. This property remains under the control of the School Board and may be transferred to the County in July, 2004.

Ms. Robinson passed out a copy of the proposal to each one present. Ms. Robinson stated the purpose of this proposal is to preserve the African-American education legacy of Appomattox County. This includes, but is not limited to, the educating of Prince Edward County students during the era of segregation. The portion of the building proposed for the museum would be the front wing of the building and this would be leased to the Carver-Price Alumni Association. The Board of Supervisor's would oversee the maintenance of the building & grounds as they are presently doing, with the County School Board providing technical support in the form of a computer, monitor, printer and copier, items that are necessary for the cataloging of memorabilia.

The Carver-Price Alumni Association will apply for non-profit status, apply for grants, seek donations and other funding sources to support a Curator position as well as other needs associated with the museum.

They currently need office space, a multi-purpose room for cultural activities, display room for artifacts and documents, and some storage space. Their future needs include the preservation of the old Home Economics Building and Agriculture Shop for vocational education.

The main goal of the Association is to preserve, respect and celebrate the rich African-American history in Appomattox County for future generations and to prepare youth and young adults to be active, productive participants for the future.

Ms. Robinson is asking that the Board adopt the proposal.

Mr. Armbrust asked if the School Board had endorsed this proposal. Mr. Craft asked where the Agriculture Shop is located. These are located in the Annex Building.

Mr. Craft made a motion, seconded by Mr. Armbrust, to adopt the Carver-Price Alumni Association proposal pending any legal issues concerning disposal of said property. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **Administrative Items: (items 1-8)**

1. **Planning Commission Recommendations:** The Planning Commission has recommended that for reasons of public necessity, convenience, general welfare and good zoning practices, the approval of **Petition 03-530 – James Nolen, Thomas Nolen and Ann Coleman** to rezone from R-1 Residential to A-1 Agricultural property located on Route 645 between Route 679 and Route 604, tax map numbers: 87(2)9, 87(2)10, 87(2)11, 87(2)12 and 87(A)24.

Mr. Conrad made a motion, seconded by Mr. Armbrust, that the Board of Supervisors accept the recommendation of the Planning Commission to approve for reasons of public necessity, convenience, general welfare and good zoning practices, **Petition 03-530 – James Nolen, Thomas Nolen and Ann Coleman** to rezone from R-1 Residential to A-1 Agricultural property located on Route 645 between Route 679 and Route 604, tax map numbers: 87(2)9, 87(2)10, 87(2)11, 87(2)12 and 87(A)24.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

2. **Elementary School Committee Recommendations:** The Committee has recommended that the Board pursue grants for the purpose of renovating a portion of the Carver Price Elementary School to accommodate the needs of CVCC through the Region 2000 Regional Commission and other means. The Regional Commission would be able to provide grant writing services and, if the project is funded, would provide project management for the administration fee associated with the grant.

Staff recommends that the Board pursue the recommendation as listed and work to obtain grant funding/historic tax credits through the Regional Commission to make the necessary improvements to the building for a community meeting place.

Mr. Carter stated that after looking at this proposal in depth, hearing Mrs. McCoy's offer to provide her services to help move this project forward, and taking into consideration that we pay the Regional Commission .15/.16 cents per capita to perform such tasks as this, as County representatives we need to keep in mind that this can and would be done entirely through their hands with no extra costs to the County.

After some discussion, Mr. Moore made a motion, seconded by Mr. Armbrust, that the Board pursue the services of the Regional Commission to obtain grant funding/historic tax credits to make the necessary improvements to the Carver-Price Elementary School Building for use as a community meeting place. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

3. **Old Courthouse Improvements:** The recent decision by Judge Poston to deny the Board's request to construct a connector between the old courthouse and the new courthouse leaves the needed improvements to the old courthouse in limbo. The Board has received a list of necessary improvements to the Old Courthouse Building. Several items were either existing before construction of the new building began or were anticipated as a result of the demolition of the back portion of the old building: 1) roof replacement and cupola repairs, 2) rear wall weatherproofing and cosmetic improvements, 3) repoint the stone work at the front porch area, 4) repair stone column bases on front porch and 5) repair the sagging brick sections of the front porch.

Also additional issues need to be addressed since the connector was not allowed to go forward: 1) emergency exit out of the back of the existing courtroom and 2) ADA accessibility to the existing courtroom. These items will need to be handled separately. Also the future use of this building has not been determined.

There are several factors to be considered in the funding for this project, one of which could be historic tax credits. Mr. Gillispie of the Regional Commission and Mr. Hal Craddock of Craddock-Cunningham could assist with these issues.

Mr. Moore brought the Board up to date with what the Committee has determined thus far that needs to be done before this building can be used for public purposes. These include: 1) need for rear exit (covered); 2) elevator/lift; 3) handicapped bathroom; 4) floor tile on porch re-laid; 5) need new roof; 6) back wall fixed – protection for water and weather.

Mr. Moore suggested that the Board as a group visit the area and see exactly what has to be done. Also in order to receive historic tax credit, things may have to be as they were originally. Another question is just how far do we want to go with this?

The Board by consensus tabled this issue until Mr. Moore is able to obtain more information and present it to the Board.

4. **Ordinance Revision:** Section 5 1-1.C of the County Code as adopted in 1992 states that the Building Official is appointed by the Board of Supervisors and is an employee of the Board. Staff feels that the Building Official should report to the County Administrator as all other county employees do and that the position should be subject to the County personnel policy as well as the employment requirements listed under the Uniform Statewide Building Code. If the Board concurs with the staff assessment and wishes to make the Building Official report to the County Administrator, a public hearing will be necessary to effect this change.

Mr. Craft stated that he felt this ordinance should be changed. He feels that the Building Official should not be any different from the other County employees working out of the

Office of the County Administrator. The County Administrator is in a better position to know what and how this individual handles his work load.

Mr. Conrad agrees.

Mr. Moore made a motion, seconded by Mr. Armbrust, that the County Code be revised to eliminate Section 51-1.C and to schedule a public hearing on Tuesday, January 20, 2004 at 7:00 p.m. to receive public comments on this proposed revision. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

- 5. Closure of Green Box Site:** Numerous complaints have been received from citizens about the dumpster site located on Rt. 667. These complaints include the site being a general nuisance to neighbors, that the site is used as a hang out, and that the site was used to conceal a get-a-way car during a recent home burglary. Staff does not believe this site is necessary given its proximity to the Rt. 608 and Rt. 648 sites. The site consists of one (1) green box that is emptied once a week. No improvements have been made to the site such as concrete pad, etc., so there are no sunk costs to consider in the elimination of this site.

Mr. Moore stated that when you have only one box (green) and no recycling box, everything is thrown together and ends up in the landfill, which should not be done.

Mr. Craft made a motion, seconded by Mr. Moore, to authorize the closure of the green box site located on Route 667. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes).

Mr. Carter moved to the next item on the agenda:

- 6 Committee Appointments:** Appointments need to be made to the following:
- A. Courthouse Furnishings Committee:** In accordance with the Court Order to construct the new courthouse, two (2) representatives need to be appointed to serve on the Courthouse Furnishings Committee by January 12, 2004. The attorneys will notify the Court after these appointees have been named.
 - B. Elementary School Committee:** The Board of Supervisors and the School Board need to appoint or reappoint the following:
 - 2 – School Board Members
 - 2 – Board of Supervisors
 - 2 – Citizens appointed by School Board
 - 2 – Citizens appointed by Board of Supervisors
 - C. Welfare Committee**
 - D. Central Virginia Area Agency on Aging**
 - E. Community Center Board**
 - F. CEDS Committee**

A. Courthouse Furnishings Committee: Mr. Moore suggested Ms. Barbara Williams since she had served on the Courthouse Committee since the beginning and she is very familiar with what is needed for the courthouse.

Mr. Spencer informed the Board that the clarification he received was that these appointees did not necessarily need to be Board members, but could be.

Mr. Conrad volunteered to serve on this committee.

Mr. Craft made a motion, seconded by Mr. Moore, to appoint Mr. Tom Conrad and Ms. Barbara Williams to serve on the Courthouse Furnishings Committee. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter suggested that he confer with the administrative staff and each Board member and have them present a list of possible appointees to the other committees listed..

Items **B – F** were tabled at this time.

7. **FY05 Budget:** The preparation of the FY05 budget will begin shortly. While no action is requested tonight, it will be important for the Board to establish priorities and goals for the coming year at the January 20th meeting. These goals and priorities will allow staff to inform departments of the Board's desires during the budget process and assist staff to recommend funding levels to the Board.

There was no discussion on this topic.

8. **Joint Meeting with School Board:** Dr. Krug has requested that the Board consider holding a joint meeting with the School Board to discuss the following: Six Year Plan, facilities, budget process, state and federal education mandates and other items that may arise. This would also serve as an orientation meeting for the new Supervisors and School Board members and would also allow for the discussion of topics. The proposed dates for this meeting are January 12, 15 and 29.

It was suggested that this meeting be held before the January 20th meeting.

After some discussion the Board by consensus decided to meet with the School Board on January 12, 2004. Mr. Spencer will contact Dr. Krug.

Mr. Carter then called attention to the **Consent Agenda: (items 9-16)**

9. **Approval of Bills:** Bills not presented for payment at meeting.
It was suggested that the Chairman be authorized to approve bills for payment.

Mr. Armbrust made a motion, seconded by Mr. Moore, to authorize the Chairman to review and approve bills for payment. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

10. **Approval of Minutes:** Minutes of regular meeting and joint public hearing held on December 15, 2003.

ACTION ITEMS:

11. **Livestock Kill:** Please approve the payment of \$784.80 for seven (7) sheep killed/crippled by dogs (unknown owner).

FUND TRANSFERS:

12. **Sports Complex:** Please approve the transfer of \$72,445.00 from the Sports Complex Fund to the General Fund and the supplemental appropriation of \$72,445.00 to 7101-7000 Capital Outlay for work performed at the sports complex.
13. **Capital Improvement Fund:** Please approve the transfer of \$380,000.00 from the General Revenue Fund to the Capital Improvement fund as budgeted.

LINE ITEM TRANSFERS:

14. **Library:** Please approve the following:
- | | |
|---------------------------------|--------------|
| 7301-1001 Full Time Salaries | - \$7,450.00 |
| 7301-5411 Books | +\$5,740.00 |
| 7301-5401 Office Supplies | +\$1,000.00 |
| 7301-7002 Furniture | +\$ 300.00 |
| 7301-3001 Professional Services | +\$ 500.00 |

SUPPLEMENTAL APPROPRIATIONS:

15. **Sheriff's Department:** Please approve supplemental appropriation as follows:
- | | |
|--------------------------|------------|
| 3101-1004 – DMV Overtime | \$7,850.00 |
| 3101-2001 – FICA | \$ 650.00 |
16. **Electoral Board:** Please approve supplemental appropriation as follows:
- | | |
|-----------------------------------|------------|
| 1301-1003 – Wages | \$4,850.00 |
| 1301-3002 – Professional Services | \$ 250.00 |

Mr. Carter stated that last year funds were cut from the Electoral Board's Budget and asked Mr. Joe Foxwell of the Electoral Board to give an explanation.

Mr. Foxwell stated that last year all the departments had to relinquish funds because of fund shortages statewide. Since they are a small department they do not have any "fat" in their budget. However, one item cut was the wages for the Electoral Workers. With the elections this past November, the upcoming presidential primary and town elections, additional funds will be needed to pay electoral workers.

Mr. Moore made a motion, seconded by Mr. Conrad, to approve the Consent Agenda as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

17. **Lynchburg Regional Airport:** Report received from the regional airport.
18. **Central Virginia Criminal Justice Academy:** Letter received from the Academy concerning funding issues.

Mr. Carter next called for **Supervisor Concerns: (Item 19)**

Mr. Craft said a Pamplin Town Council member has requested that the Board contact the Virginia Department of Transportation and authorize the placement of "Watch for Children" signs to be placed in the Town of Pamplin. He has contacted VDOT and the cost of these signs is approximately \$500 each. We would need to work out who would pay for these signs, the County or the Town of Pamplin.

Mr. Overstreet revisited the dates of meetings discussed in the organizational portion of the meeting. Section 15.2-1416 of the Code of Virginia specifies that "at its annual meeting the Governing Body may fix a day or days to which a regular meeting should be continued if the Chairman or Vice-Chairman, if the Chairman is unable to act, finds and declares that weather or other conditions are such it is hazardous for members to attend the regular meeting. Such findings should be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisements are required." The beauty of this is if you are having a public hearing and have to cancel, you do not have to re-advertise. You could say the next night or you may say instead of Tuesday it would be the following Monday or whatever day you choose for the remainder of the year.

Motion was made and seconded that if due to inclement weather, the Board of Supervisors would meet the next Monday night, with the exception of this being a holiday, then the meeting would be held the following Tuesday. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter stated that a closed session was necessary in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-3711 A.5 for the discussion of a prospective business and §2.2-3711 A.7 for discussion of legal matters – Biosolids Litigation.

At 7:34 p.m. Mr. Moore made a motion, seconded by Mr. Craft, to enter into closed session in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-3711 A.5 for the discussion of a prospective business and §2.2-3711 A.7 for discussion of legal matters – Biosolids Litigation. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

At 9:35 Mr. Craft made a motion, seconded by Mr. Conrad, to return to regular session. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2-3711 A.1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2-3711 A.5 for the discussion of a prospective business and §2.2-3711 A.7 for discussion of legal matters – Biosolids Litigation.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. Mr. Carter called the Question: ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if there was any business to be discussed as a result of the closed session.

Mr. Carter made a motion, seconded by Mr. Conrad, to hire Jack Caldwell on a temporary basis to perform the duties of Acting Building Official for Appomattox County at a pay rate of \$15.00 per hour. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter made a motion, seconded by Mr. Craft, to extend the duties of the Emergency Services Coordinator (Mr. Fred Godsey) on a temporary basis, to include the implementation of the E-911 system. This temporary extension of duties shall be until the end of this fiscal year. Mr. Godsey will be compensated \$1,500 per month. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter made a motion, seconded by Mr. Conrad, that since Mr. John Spencer has assumed the role of Interim County Administrator, that he should be compensated at the entry level salary for the County Administrator. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Overstreet had waited until now to discuss the wetlands resolution and how it would impact the landfill as he had hoped Ms. Rockefeller would be present. He discussed briefly what this entailed and how he felt it was in the best interest of the County to approve the following resolution.

WHEREAS, in 1999 the General Assembly passed Virginia Code Section 10.1-1408.5 preventing any landfill from impacting more than 1.25 acres of wetlands, and

WHEREAS, the County cannot maximize any future expansion of its landfill and construct the most compact and environmentally sound Subtitle D disposal cell due to the impact of such legislation; and

WHEREAS, one public service authority serving the Tidewater area and representing over seven municipalities as well as two other cities and/or counties in Southside Virginia have received relief from the provisions of this act, with many more request expected to follow;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Appomattox County request that the members of its General Assembly delegation take all actions necessary to secure an exemption on behalf of the County in the 2004 Session of the Virginia General Assembly.

Mr. Overstreet stated that it was his understanding that this has been mentioned to Mr. Watkins Abbitt and Mr. Abbitt had already prepared and pre-filed a bill on this issue. He does not know if the Board has to pass this by a motion or if it can authorize the Chairman to sign a letter to this effect.

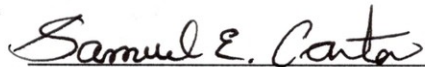
The Board by consensus agreed to pass this resolution and submit it to the General Assembly.

Mr. Carter asked if there was any more business to be presented.

Mr. Carter reminded everyone that the next meeting was a Joint Meeting with the School Board on Monday, January 12, 2004. The time and location will be determined at a later date. Mr. Spencer will notify everyone of this.

The next regularly scheduled Board Meeting will be Tuesday, January 20, 2004 at 6:30 p.m. in the Council Chamber of the Appomattox Town Office, located on Linden Street.

Mr. Moore made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, January 12, 2004 the Appomattox County Board of Supervisors and the Appomattox County School Board held a joint meeting at the Appomattox County School Board Administration Building, located on Court Street, Appomattox, Va.

Present: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
William Craft – Appomattox River District
Shawn Armbrust – Wreck Island District
Thomas Conrad – Falling River District
Russell H. Moore – Piney Mountain District

PRESENT: (School Board)

Todd Pickett
R. M. (Bobby) Mitchell
Clifford Rhodenizer
Amy Martin
Marcia Jones

ALSO PRESENT:

John K. Spencer, Jr. – Interim County Administrator
Dr. Walter Krug – Superintendent – Appomattox County Schools
Billy Perrow - Director of Business – School Administration
Dorinda Grasty – Remedial and Special Education
Martha Eagle – Career and Technology Education
Janice Marston – Personnel and Personnel Instruction

At 6:30 p.m. Mr. Carter called the Board of Supervisors meeting to order.
Dr. Krug then called the School Board Meeting to order.

Mr. Carter then gave the invocation.

Dr. Krug welcomed everyone and stated he appreciated everyone being present. He also introduced Ms. Christine Chapman with the News & Advance. She will be the reporter for the County, replacing Ron Brown.

He then stated the purpose of the meeting was to bring everyone together in a discussion format in order to begin a dialogue and talk about things that are very important to everyone in the community – Schools. He recognizes that the Board of Supervisors has a lot of responsibilities, one of which has to do with the schools. He stated that the school division wanted to educate the Board about our schools and that it was hoped that this meeting would be the first of a series to be held at the Board's convenience. He said that the schools had a lot of wonderful things going on, but that there are also challenges in front of us. The schools wanted to share some of those challenges in a form that would hopefully be instructive to everyone.

Dr. Krug said that in the format for tonight the School Board would like to talk about their six-year plan, which they have mentioned before and have sent the Board copies

of, and school funding. School funding is a very complicated matter and they realize some of Board members are familiar with and have had some experience with this and some of Board have not. The School Board will also talk about facilities but the main focus will be school funding. There are several staff members present who will be working with them as they make these presentations. The School Board will also talk about facilities but the main focus will be school funding, then move to the six-year plan. If everything is not discuss in the time allowed or if there are questions unanswered, perhaps the meeting can continue at another time. Again, the purpose is to communicate with one another, to provide information to Board of Supervisors and start a dialogue that hopefully will be ongoing between the two boards throughout the year.

There will be some questions asked during the evening and some of the staff members will give the Board information to complete. These will be yours to keep for your information, they will not be collected. A packet of materials will also be distributed at the end of the meeting.

Dr. Krug introduced each of his staff members for the benefit of those new members who were not already familiar with them.

Dr. Krug posed several questions regarding what your answer would be to anyone asking about our school system and what are some of biggest challenges our school system faces today. There were several very good responses.

Mr. Billy Perrow gave a presentation of School Funding. He began by passing out a question and answer sheet to demonstrate a little of how the school funding is generated and where these funds are spent. Mr. Perrow stated that the School Board under law has the responsibility to provide free and appropriate education and to produce a budget that provides for that. The Board of Supervisors has the duty to fund public education. How do we get to middle ground and come to the agreement on what can be provided and what is needed. This is always the issue. It is a difficult task. The number one thing to remember is the budget is a revenue based item. The revenue comes from several places: 6% from the Federal Government, 64% from State Government, and 29% from the Local Government. Mr. Perrow continued with the various sources of revenue and where these funds have to be expended.

At 7:45 p.m. a brief recess was taken.

At 7:55 p.m. Dr. Krug introduced the Six Year Plan:

Every school division in the Commonwealth must develop a Six-Year Plan every odd number year. Our focus is on students and that is what we are all about.

Their vision focuses on student achievement and highly qualified staff. The Six Year Plan is broken down into different goal objectives: I) School Climate, II) Planning, III) Staff Development, IV) Curriculum and Instruction and V) Communications. They will discuss each of these briefly.

- I. **School Climate/Security – Goal: To provide a positive, supporting and safe environment that will allow for the maximum development of all students.** Ms. Martha Eagle stated that their goal was for the students

to learn and to be in a safe environment. In today's culture, with Columbine and terrorism, we are always looking at what we are doing and what we should be doing. Two preventive measures they have taken are: School Resource Officers, originally funded through a grant but are now fully funded by the Board of Supervisors, and security cameras on the buses and in the schools. They also have to keep up Crime and Violence Reports based on State guidelines. There are also various State guidelines on safety issues that must be followed. There is also a lot of interaction with teachers, administrators, parents, etc., to keep everything running smoothly.

Facilities: Mr. Perrow spoke briefly on School Facilities, which play an important role in the learning process. They have spent a lot of time, effort and money in handicap facilities such as bathroom, etc., and there is a lot more to be done. They also are anticipating having to install a lift in the auditorium before graduation. There are also some handicap issues to be addressed at the other schools. There are several improvements that need to be done to the other school buildings. They will in the near future need a funded capital improvement fund, not one on paper only.

- II. Planning: Goal – To plan effectively to meet the evolving needs of students and support operations.** Dr. Krug addressed this issue. He said that we need to spend more time on planning. Often a situation arises in our planning that we need to stop and address immediately. We have issues that are known to us, but at the same time, there are unknown issues that we have to address. We do not know what may arise out of current legislation that have not been planned for. Take Special Education, for example. Special Education students must be provided with a free and appropriate education. We must provide those needs. Education requirements are ever changing and we must plan to meet those needs.

- III. Staff Development: Goal – To provide a competent staff to meet the needs of students.** Ms. Janice Marston passed out an informational sheet containing a list of program and school division needs and concerns about which decisions must be made. How we go about determining the priority for what we are going to do, and how we will spend the money that we have. There are three (3) areas of staff development that she considers priorities - equipment, retention and continuing professional development. She also talked about teacher recruitment and how to attract the most highly qualified for our particular needs and what we need to offer in order to retain these teachers.

- IV. Curriculum and Instruction: Goal – To strengthen programs for all students.** Ms. Martha Eagle and Ms. Dorinda Grasty gave a short presentation on each of these subjects. Society is not the same as it was 20 years ago and neither are our students. The Virginia Department of Education has set forth what students ought to know and be able to do. The end result being students who do not pass the SOL tests may not graduate from high school. There is a significant change in what was once a local decision or State decision. Today's students want things done quickly – cell phones, lap tops, the internet and other technology

tools. We need to keep on top of all these along with the basics of education. These things help to motivate them to learn and also be useful in the work place environment. We want to be competitive and we want our kids to learn. We also need to address the ability to offer on-line courses. These would be subjects/languages for which we do not have a teacher on staff. We have an excellent career tech program along with a very good adult education program.

Special Education is another program that we are having more demand for than in the past. We used to think of handicapped children as those with physical disabilities, blind, in a wheel chair, etc. Today, it is an entirely different story. There are a host of disabling conditions that we are mandated to take care of. We are required to educate children from their third birthday to their twenty-second birthday if they are identified as special ed. We are to provide instruction during the school day and if need be, we have to put children in a residential settings, we send some children to special day school. We have to provide occupational therapy and physical therapy for which we have therapists. We also have speech therapists, visual impaired and hearing impaired teachers. We are also required to provide aides for these students. We are also required to provide instruction to juveniles in jail and also to homebound children with disabilities. We have had forty-two (42) special education students move into Appomattox County since July 1, 2003. There are 863 Federal and State regulations that the school system must follow regarding special education.

- V. Communications – Goal: To enhance communications between school, parents and community.** We need to increase parental and community participation in school activities, keep parents more informed on SOL testing and graduation requirements. In general we need to develop a plan for more positive communications and public relations.

Mr. Carter thanked the School Administration staff for the education received tonight. He feels the need for further meetings. Mr. Craft agrees. Dr. Krug said they would hold as many of these meetings as needed.

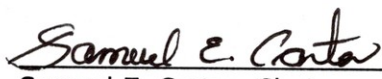
Dr. Krug offered a slide presentation about medium salaries in our region and how far below the medium Appomattox salaries have fallen.

Mr. Armbrust thanked everyone for the information provided and the chance to meet everyone. He feels these informative sessions will lead to a better working relationship.

Mr. Conrad also thanked everyone for their informative presentations and materials provided.

At 9:15 p.m. Mr. Craft made a motion, seconded by Mr. Conrad, that the Board of Supervisors adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Ms. Amy Martin made a motion, seconded by Mr. Todd Pickett, to adjourn the School Board meeting. All vote aye.


 Samuel E. Carter, Chairman

On Tuesday, January 20, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting at the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Shawn A. Armbrust – Wreck Island District
 Thomas H. Conrad – Falling River District
 William H. Craft – Appomattox River District
 Russell H. Moore – Piney Mountain District

ALSO PRESENT:

John K. Spencer, Jr. – Interim County Administrator
 Johnny Overstreet – County Attorney

At 6:30 p.m. called the meeting to order and asked Mr. Craft to deliver the invocation.

Mr. Carter stated there was a new item on the Agenda that should help the Board throughout the new year entitled "**Setting of Agenda**".

Mr. Carter also asked if any member wished to add anything to the agenda that was not included.

Mr. Armbrust requested that the dumpster site on Route 667 be added to the agenda.

Mr. Carter stated this should be added as Item 7 under Administrative Items. Also please add to Item 4-A – Elementary School Committee: Ms. Anne Dixon and Item 4-E. – Community Center Board: Mr. Shawn Armbrust.

Mr. Carter next opened the floor for the next item on the agenda: **Citizen Comments Period:**

Mr. Rich Guild came forward to give a short report on tourism and presented the Board members with a handout containing information on the Appomattox County Visitor's Center and the Appomattox County Tourism Web Site – APPOMATTOX.COM. This report contained the Visitor's Center's Quarterly Report for the 4th quarter of 2003 and also the 2004 Budget for the Visitor's Center as well as the Appomattox Chamber of Commerce.

Mr. Guild reported that the Visitor's Center is functioning separately from the Chamber. He also reported that the Visitor's Center is currently operating in the Black. The cost of operating the Center is being funded primarily by the Town of Appomattox. The

Chamber has also delegated most of the tourism business over to the Visitor's Center. The Chamber also is on firm ground and is doing fine.

Mr. Guild stated that advertising is the only way to attract tourism to our community. He is requesting that the Board reinstate some of the money withdrawn from the Chamber. He is also asking that money be made available for the Civil War re-enactment. They are looking for about \$2,000. Last year the Board gave them \$5,000. One of the things they need help with is the insurance. This runs us about \$2,000. Instead of them buying this insurance, would the Board consider picking up a rider on the County's policy, at a cost of approximately \$200 or \$300, this would help the Re-enactment Committee tremendously.

Mr. Guild also stated that there was an increase in the Visitor's Center activity during the Railroad Festival and the Re-enactment events.

Mr. Dale Campbell came forward to speak on behalf of the residents on Route 667 and the surrounding area regarding the Board's recent decision to close the dumpster site on Rt. 667 and Rt. 668. After speaking with some of his neighbors they decided to see how many of the neighbors were in favor of closing this site. They have a petition containing approximately 225 names of those who wish to keep the site at its present location. Mr. Campbell stated that he passes the dumpster site several times a day and the only time he has seen anyone hanging around is when a couple of the neighbors run into each other and talk for a while, and he has not seen any vehicles parked there. The majority of the residents do not have children and this trash bin is about the only service they receive from the County with the exception of police protection.

If the Board decides to leave this dumpster site open, Mr. Campbell suggested that the Board consider placing a platform at the site for easier access for the elderly and possibly constructing a fence around part of the site.

Ms. Penny Taylor came forward and stated she would like to see this dumpster site left open because if people do not have a dumpster nearby, they tend to throw their trash on the road side.

Ms. Taylor would also like to address the water situation in Appomattox and she would like to offer some suggestions as to the direction she feels the Board should take. Appomattox does not need to be dependent upon another County for its water supply, we need to stand on our own. She feels the building of a reservoir is the best way to accomplish this. This may be down the road a ways but we need to look down the road, not just for a quick fix. We need to look to the future for our children, grandchildren, etc. Water is a commodity most of us take for granted. If we pump water from another County, what price limits do we face. If there were a water shortage, they would look after their own first and we may not receive any water at all. In building a reservoir, we are not only looking at a water supply but recreation activities, as well as possible housing developments. This would also be a source of revenue. Land is available, water sources are available and the Board needs to take the "Bull by the Horns" and look at this whereby we can be self-sufficient. She is asking that

the Board look at this aspect before spending millions of dollars on a water supply dependent upon another County.

Having no one else to speak during the Citizen's Comment Period, Mr. Carter stated they would move to the Public Hearing.

At 7:00 p.m. Mr. Carter opened the Public Hearing – Ordinance Revision: The purpose of this Public Hearing is to receive comments on a proposed ordinance to repeal Paragraph C of Section 51-1 concerning the Board's hiring of a Building Official.

Mr. Carter began the Public Hearing by reading the following Proposed Ordinance Change:

**ORDINANCE FOR REPEAL OF PARAGRAPH
C OF SECTION 51-1, "OFFICE OF BUILDING
AND HOUSING, COST OF ENFORCEMENT,
BUILDING OFFICIAL AND BUILDING
INSPECTOR, - CHAPTER 51, BUILDING
CONSTRUCTION OF THE APPOMATTOX
COUNTY CODE.**

Be it Ordained that:

- a) Paragraph C of Section 51-1 of Chapter 51 of the Appomattox County Code, which states the following, is hereby repealed:

C) The Office of Building and Housing shall have a Building Official and an Inspector who shall be appointed by the Board of Supervisors, and such Building Official and such Building Inspector shall serve at the pleasure of the Board of Supervisors, and it shall be their duty, authority and responsibility to organize and to see to the daily operations of the Office of Building and Housing.

- b) This Ordinance is adopted pursuant to Sections 15.2-1426 and 1427 of the Code of Virginia;
- c) This ordinance shall be effective immediately.

Mr. Carter asked if anyone wished to speak for or against this Ordinance Change.

Hearing no comments, Mr. Carter closed the Public Hearing at 7:01 P.M.

Item 7 – Administrative Items: Rt. 667 Dumpster Site: Mr. Carter stated that in view of the fact that so many present were here concerning the Board's recent decision to close the dumpster site at the intersection of Route 667 and Route 668 that they address this issue at this time.

Mr. Shawn Armbrust stated it had been reported that this site was being used as a hangout and had a low volume of use and was in general a nuisance to the community. After the last meeting at which the Board decided to authorize the closing of this site, he

received many phone calls against this action. He, visited the site every day last week and found that on Wednesday, there was little trash in the dumpster, but on Friday it was overflowing. Mr. Conrad accompanied him on one visit. There was a small amount of trash on the ground. He also visited the site on Route 648 and found a considerable amount of trash outside the dumpsters. As evident by the number of persons present tonight, the community wants to keep this site open and he feels it is in the best interest of the neighborhood to do so. In talking with a number of people he saw at the site, he received only one complaint against the site remaining open. He would like to have an additional dumpster placed at the site, continue to pick up only once a week and possibly place a recycling dumpster for cardboard, paper, etc. There is also the need for a fence and possibly some steps so that the senior citizens and others do not have to attempt to toss trash over into the container.

Mr. Conrad agreed with the recommendations made by Mr. Armbrust. By eliminating this site, you are only going to put more trash at the Spout Spring and Oakville sites, which are already being overloaded.

There was some discussion regarding either re-working the present sites and/or going to manned sites. The conclusion was that we need to develop a plan for the future.

Mr. Carter called Ms. Rockefeller, Landfill Supervisor, to address the Board.

Ms. Rockefeller presented the Board with some facts and figures regarding the location of the various dumpster sites and the mileage distance between each of these sites. Over the past three years, she has received approximately 10 complaints regarding this site. She has in the past found evidence that this site has indeed been used for the consuming of alcohol and for other activities. She also informed the Board of a couple of complaints she had during the past two years about businesses using this site to dispose of waste. Ms. Rockefeller stated that by using manned sites, this will eliminate the problem of businesses using the sites as opposed to paying the landfill fee for disposing of their waste at the landfill itself. Ms. Rockefeller indicated that the retention of this site is not profitable to the County. Most of the sites range from 8 to 11 miles apart. In order to achieve a five mile ratio between sites, we would need to install three more sites.

Ms. Rockefeller also provided some facts and figures comparing Appomattox County and its dumpster sites to those of surrounding counties.

Mr. Armbrust made a motion, seconded by Mr. Moore, to keep the dumpster site located on Route 667 and add a recycling bin and a fence. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye and Mr. Carter, aye. (5 aye votes)

At 7:40 p.m. Mr. Carter called for a short recess.

At 7:45 p.m. Mr. Carter called **Ms. Anne Dixon, Director Recreation, Parks & Tourism** to address the Board. Ms. Dixon is appearing to provide a monthly update on tourism activities.

Ms. Dixon stated they have heard from a couple of tour companies recently in response to packets that were mailed out some time ago. One group from Bedford is planning to visit in August and have booked reservations with the National Park Service, Cloverhill Village, and Fred's Car Museum. They will also be having lunch at the Appomattox Country Buffet. This is a group of approximately 50 senior citizens.

Virginia Tech is offering a Civil War Teachers Institute in July and they are planning a field trip to Appomattox. The Richmond Times Dispatch publishes a Week End Guide each week and Appomattox was recently featured as a place to visit. All three of these will generate free advertisement for our County. She is still working with the Virginia Tourism Corporation and the Appomattox Chamber of Commerce.

Ms. Dixon also gave a brief report on the progress of the Community Park and what classes were being held at the Community Center.

Mr. Carter thanked Ms. Dixon, Ms Penny Taylor, Ms. Valeria Garrett and Ms. Shirley Wheeler for the great holiday decorations placed all over town during the Christmas season.

Mr. Carter next called for action on the **Administrative Items: (Items 1-6):**

1. **Proposed Ordinance Revision:** The County ordinance as adopted in 1992 states that the Building Official is appointed by the Board of Supervisors and is an employee of that Board. It is staff's belief that the Building Official should report to the County Administrator as do all other county employees. Also, the Building Official should be subject to the County Personnel Policy as well as the employment requirements listed under the Uniform Statewide Building Code.

Mr. Carter stated that the Public Hearing to repeal this section of the County Ordinance was held earlier in the evening. No one spoke against the proposed change.

After some discussion, Mr. Craft made a motion, seconded by Mr. Moore, to change the County Ordinance as follows:

**ORDINANCE FOR REPEAL OF PARAGRAPH
C OF SECTION 51-1, "OFFICE OF BUILDING
AND HOUSING, COST OF ENFORCEMENT,
BUILDING OFFICIAL AND BUILDING
INSPECTOR, - CHAPTER 51, BUILDING
CONSTRUCTION OF THE APPOMATTOX
COUNTY CODE.**

Be it Ordained that:

- c) Paragraph C of Section 51-1 of Chapter 51 of the Appomattox County Code, which states the following, is hereby repealed:

C) The Office of Building and Housing shall have a Building Official and an Inspector who shall be appointed by the Board of Supervisors, and such Building Official and such Building Inspector shall serve at the pleasure of the Board of Supervisors, and it shall be

their duty, authority and responsibility to organize and to see to the daily operations of the Office of Building and Housing.

d) This Ordinance is adopted pursuant to Sections 15.2-1426 and 1427 of the Code of Virginia;

c) This ordinance shall be effective immediately.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

- 2. Resolution – Cannon Oaks Subdivision:** The Virginia Department of Transportation is requesting the Board to adopt a resolution to add Pine Tag Lane on Route 1127 to the Appomattox County Secondary Road System.

Mr. Moore made a motion, seconded by Mr. Conrad, to approve the request from the Virginia Department of Transportation to adopt the following resolution to add Pine Tag Lane on Route 1127 to the Appomattox County Secondary Road System:

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the street description below to the Appomattox County Secondary Road System for maintenance. The following subdivision road which has been constructed by the sub-divider as a Class "A" subdivision in accordance with the requirements of Section 33.1-229, of the Code of Virginia, 1952, and the Virginia Department of Transportation's Subdivision Street Requirements, 1996,
TO WIT:

CANNON OAKS SUBDIVISION

Pine Tag Lane, Route 1127 – Beginning at a point on Route 1125, 0.25 mile north of Route 691, extending 0.10 mile east to cul-de-sac.

Total Length – 0.10 mile

Right of Way 50 feet

BE IT FURTHER RESOLVED, that the Board does guarantee a minimum unrestricted fifty (50) foot right of way with additional widths as may be necessary for cuts, fills and drainage, together with easements on adjoining properties.

Recorded in Plat Book 158, Page 16, on November 7, 2001, in the Appomattox County Clerk's Office.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

- 3. Watch for Children Signs:** At the last meeting Mr. Craft presented a request from the Town of Pamplin to install "Watch for Children" signs. Since that time, the Town of Pamplin has formally requested four (4) such signs be install on the Appomattox side of the county line. Prince Edward County has authorized the installation of several similar signs in their portion of Pamplin. These signs were funded through Prince Edward's Secondary System Construction Allocation. VDOT has informed us that the purchase and installation of these signs will total approximately \$100 per sign. Please note that in 1999, a previous Board of

Supervisors required a County resident to pay in advance the total cost of purchasing and installing two (2) "Watch for Children" signs on Route 724.

It is recommended that the Board develop a policy for funding the purchase and installation of "Watch for Children" signs and then take the appropriate action on this particular request from the Town of Pamplin. It is not recommended that the Board use Secondary System Construction Allocation for this request.

Mr. Craft stated he had talked to a couple of VDOT employees and was informed that they would install these signs but they would bill the County of Appomattox.

Mr. Carter stated the 1999 request was in his district and a citizen in that area agreed to pay the cost of the installation of these signs. He does not recall any previous actions regarding similar requests.

Mr. Spencer will write a letter to Pamplin Town Council informing them that they will need to pay for the costs of installing these signs.

4. Committee Appointments: Nominations have been made to the following boards and committees:

A. Elementary School Committee:

Mr. Samuel E. Carter
Mr. Thomas H. Conrad
Ms. Kim Ray
Ms. Anne Dixon

B. Welfare Board:

Mr. William H. Craft

C. CVAAA Board:

Mr. Thomas H. Conrad

D. CED's Committee:

Mr. Shawn A. Armbrust
Mr. William H. Craft

E. Community Center Board:

Mr. Shawn A. Armbrust

It is recommended that the Board accept the nominations and appoint these people to their respective boards and committees.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve the nominees to the above listed boards and committees. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

5. Shrink-Swell Soils Policy: Appomattox County has been listed by the State as being a locality with at least 20% Shrink-Swell Soils. These soils require additional design and construction measures to insure structural rigidity. The Virginia Uniform Statewide Building Code gives local governments the authority to create a policy on dealing with Shrink-Swell Soils as a part of the building inspections process. In October, 2003, the previous Building Official instituted a

policy requiring a soil scientist to do a soil test prior to issuance of a building permit for all new dwellings and additions. Questions have arisen concerning the authority to adopt such a policy administratively.

It is recommended that the Board formally adopt this policy as an interim policy and refer the matter to the Planning Commission for their review and recommendation of a permanent policy.

There was some discussion on what type of soil is shrink-swell soil.

Mr. Conrad stated it was his understanding that this was the same as black-rock soil.

Mr. Spencer stated that from his understanding there are different types of soil that constitute shrink-swell soil. They are soils that have a potential to swell and contract with varying weather conditions.

Mr. Conrad stated that with this type of soil, rebar has to be placed in the foundation. We have not had a written policy but there has been an oral policy that has required some contractors and individuals get a soil test done before actually beginning construction. He said we cannot state we will not have a policy at all, and that we need to have the Planning Commission develop some type of policy. We should have a Natural Resources and Conservation Services (NRCS) map showing where this type of soil is likely to be located.

After much discussion, Mr. Conrad made a motion, seconded by Mr. Craft, to continue with the interim policy requiring a soil test prior to issuing a building permit for all new buildings and additions until such time as the Planning Commission can develop a long-term policy. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

6. **FY-05 Budget:** Preparation for the FY-05 budget will begin shortly. It is important for the Board to establish priorities and goals for the coming budget year. These goals and priorities will allow staff to inform department heads of the Board's desires during the budget process and assist staff to recommend funding levels to the Board.

Mr. Carter stated that last year the goal was not to raise taxes. This year there are a lot of things forthcoming – E-911 Center, the water line issue, school projects and other Capital Improvement Projects within the County.

Mr. Spencer will get revenue information from the Treasurer and the Commissioner of Revenue. Also the Department Heads need to be furnished with copies of last year's budget and submit some estimate figures for the FY-05 Budget.

Mr. Carter next presented the **Consent Agenda: (items 7-13)**

7. **Approval of Bills:** Please approve bills as presented for payment.

ACTION ITEMS:

8. **Appropriation for Treasurer and Commissioner of Revenue:** Please approve appropriations from the Treasurer and Commissioner of Revenue to fund computer and connectively technology necessary to comply with new regulations set forth by the Virginia Department of Taxation:

Treasurer's Office	\$6,791.00
Commissioner of Revenue	<u>8,319.00</u>
Total Appropriation	\$15,110.00

SUPPLEMENTAL APPROPRIATIONS:

9. **Department of Parks, Recreation and Tourism:** Please approve the supplemental appropriation to reflect payment for Theme Park Tickets:

7102-5414	Theme Park Tickets	\$5,190.00
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10. **Library:** Please approve supplemental appropriations as requested:

7301-5415	- Summer Reading	\$298.20
7301-5411	- Books	\$548.80
7301-5401	- Office Supplies	\$ 70.85

11. **General Properties:** Please approve supplemental appropriations to reflect work performed on old museum:

4302-3302	Professional Services	\$7,050.00
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12. **School Board:** Please approve supplemental appropriation to cover expenses for operation of the old elementary school during its use as a courtroom and recreation facility: \$6,913.76

13. **School Board:** Please approve supplemental appropriation to cover funds from individual checks passing through to Mutual of Omaha Dental: \$1,393.64

Mr. Craft had a question regarding the Theme Park Tickets.

Mr. Carter answered that the Recreation Department purchases tickets from the various theme parks in Virginia and re-sales them as a service to our citizens. There is a slight profit made which goes back into the purchase of these tickets.

Mr. Craft made a motion, seconded by Mr. Conrad, to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next reviewed the **Informational Items:**

14. **Appomattox Town Council Agenda:** Agenda for Town Council meeting held on January 12, 2004.
15. **Letter from David Laurrell – Campbell County Administrator:** Letter supporting the request by Appomattox County to be realigned with WIA Area #7 (Region 2000) from Area #8 (South Central)
16. **School Board Financial Report:** Monthly financial report for February, 2004.
17. **Virginia Association of Counties:** 2004 Legislative & Policy Statements.

- 18. Pamplin Letter concerning Abandonment of Rail Line East of Pamplin:** Letter commenting on proposed abandonment by Norfolk Southern of rail lines east of Pamplin.
- 19: Supervisor Concerns:** Mr. Carter asked if anyone had concerns they wished to discuss at this time.

Mr. Craft has had several inquires regarding the water line project. Is this etched in stone?

Mr. Carter brought the new members up to speed on what had transpired on this project. This is a joint venture between the County and the Town of Appomattox. A study has been done and the data is being complied. It is Mr. Carter's belief that this study will be presented at the next meeting of the Appomattox Town Council by Mr. Garrett and Mr. Bill Gillespie. This information will probably be presented to the Board of Supervisors at a meeting in March. To help everyone with the ins and outs that went into this study, it has been requested that the Board of Supervisors meet with the Town Council for an open workshop session.

Mr. Carter stated he wished to comment on an article appearing in the Lynchburg News & Advance on January 17, 2004. Mr. Carter stated that Appomattox has a high rate of unemployment and, therefore, we are economically distressed. Some of the reasons we are economically distressed is because of State and Federal unfunded mandates. Mr. Ben Cline, a local delegate who represents Rockbridge and parts of Amherst, made a statement that is contrary to Region 2000's adopted Legislative Agenda for this General Assembly Session. Mr. Cline stated "at this point the Speaker of the House and General Assembly feel that no tax increases are necessary and I agree with his position. Now that the economy is recovering, I think we can continue on that path without raising taxes." We know that something has to be done so that citizens in every locality, are not completely drained by personal property and real estate taxes and that we are able to fund all the necessary qualities of life that we as citizens expect and demand from our local government.

Mr. Carter read a portion of the Legislative Agenda that was submitted to each of the Representatives of the General Assembly from the localities in Region 2000.

Mr. Carter is asking the Board of Supervisors to adopt a resolution endorsing again, the Legislative Agenda that Region 2000 sent to our elected representatives and stress that they abide by this agenda. We represent the people as do these representatives and congressmen. When they do not go by what the people say, they are not doing what they were elected to do.

Mr. Spencer will develop a resolution to this effect and present it at the next meeting.

Mr. Carter stated that it was necessary to hold a closed session in accordance with §2.2 – 3711 A.1 of the Code of Virginia for the purpose of discussion of personnel matters and §2.2 – 3711 A.7 for discussion of legal matters pertaining to Biosolids.

At 8:50 p.m. Mr. Conrad made a motion, seconded by Mr. Craft, to enter into closed session as per §2.2 – 3711 A.1 of the Code of Virginia for the purpose of discussion of personnel matters: 1) consideration of candidates for employment and 2) performance and salaries of existing employees and §2.2 – 3711 A.7 for discussion of legal matters pertaining to Biosolids. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

At 9:58 p.m. Mr. Armbrust made a motion, seconded by Mr. Conrad to return to open session. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2 – 3711 A.1 of the Code of Virginia, for the purpose of discussion of personnel matters: 1) consideration of candidates for employment and 2) performance and salaries of existing employees and §2.2 – 3711 A.7 for discussion of legal matters pertaining to Biosolids.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if there was any business to be discussed as a result of the closed session.

Mr. Carter made the following motion:

MOTION TO APPROVE SETTLEMENT

I Move that the Board agree to settle the case O'Brien v. Appomattox County on terms approved by the County's insurer, in which the insurer agrees to pay a portion of the plaintiff's attorneys fees in the amount of \$225,000.00, and further move that counsel for the Board and the Acting County Administrator are authorized to sign all necessary papers for the settlement; provided that our attorneys review and approve all legal documents and insure that the County is released from any further liability or litigation with the plaintiffs in this case; and further provided that this motion does not authorize the expenditure of any County funds.

Mr. Craft seconded this motion. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)

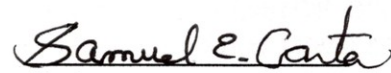
Mr. Carter reminded the Board of **Upcoming Meetings:**
Regular Meeting

Monday, February 2, 2004
Council Chambers – Appomattox Town Office
6:30 p.m.

Regular Meeting
Tuesday, February 17, 2004
Council Chambers – Appomattox Town Office
6:30 p.m.

Mr. Carter stated that the Board has received a letter from Dr. Krug suggesting February 5th, and February 9th as dates for another joint meeting of the School Board and the Board of Supervisors. It was decided that this meeting would be held on February 5, 2004 at 5:00 or 5:30 p.m.

At 10.05 p.m. Mr. Armbrust made a motion, seconded by Mr. Craft to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; Mr. Craft, aye; and Mr. Carter, aye. (5 aye votes)


Chairman

On Monday, February 2, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting at 6:30 p.m. in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: William H. Craft – Vice-Chairman – Appomattox River District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
Russell H. Moore – Piney Mountain District

ABSENT: Samuel E. Carter, Chairman – Courthouse District

ALSO PRESENT:
John K. Spencer, Jr. – Interim County Administrator
Johnny Overstreet – County Attorney

At 6:35 p.m. Mr. Craft called the meeting to order and asked Mr. Armbrust to give the invocation.

Mr. Craft asked if anyone wished to speak during the **Citizen Comments Period**.

Hearing no one, Mr. Craft moved to the next item on the Agenda. He asked Ms. Rockefeller, Landfill Supervisor to address the Board.

Ms. Rockefeller is presenting the Board with a comprehensive status report on the landfill operations, including a review of options for future solid waste disposal. The Board should be aware that several important decisions will have to be made in the near future.

Ms. Rockefeller discussed the Recycle Program and how they use or disposal of brush, cardboard & mixed paper, metals, oil and oil products, salvage of household items, tires and wood products.

Ms. Rockefeller also discussed a proposal for the cost of operating manned sites. She also discussed the costs of landfill operations, the cost of opening a new cell and the costs of transferring waste by contract haulers.

Mr. Craft thanked Ms. Rockefeller for her presentation.

At 6:58 p.m. Mr. Craft called for a short recess.

At 7:00 p.m. Mr. Craft re-opened the meeting and called for **ADMINISTRATIVE ITEMS:** (Items 1 – 4)

1. Resolution Supporting Regional Commission's Legislative Agenda:

At the last meeting, the Board directed a resolution be written urging our General Assembly members to stop unfunded mandates on localities and in general support the Region 2000 Regional Commission's 2004 Legislative Agenda.

Staff recommends that the following resolution be adopted and forwarded to Senator Frank Ruff and Delegate Watkins Abbitt.

**RESOLUTION IN SUPPORT OF THE
2004 LEGISLATIVE AGENDA
DEVELOPED BY THE
REGIONAL 2000 REGIONAL COMMISSION**

WHEREAS, the Commonwealth of Virginia is experiencing a severe budget crisis that has caused deep concern among the state's localities; and

WHEREAS, the Commonwealth of Virginia has long placed educational, environmental, transportation and other mandates on local governments and has steadily increased the financial burden imposed on local budgets by said mandates; and

Whereas, the Commonwealth of Virginia has state and local tax structures that fail to clearly identify the service responsibilities of each level while causing a grave inequality in the ability of localities to raise revenue; and

WHEREAS, Stanley I. Goldsmith has fostered unique programs that provide services to existing businesses, engage young adults in defining their community, introduce teenagers to the industrial work environment, and emphasize and improve the technological attributes of the region:

AND WHEREAS, the Region 2000 Regional Commission has developed a Legislative Agenda to express the region's concerns on these and other issues of importance to the economic well being of the Commonwealth and its localities.

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby request that the Governor and General Assembly of the Commonwealth of Virginia provide due consideration to the concerns expressed by the Region 2000 Regional Commission and its member localities through its 2004 Legislative Agenda, this to enhance the fiscal health of the individual localities, Region 2000, and the Commonwealth of Virginia.

Mr. Craft stated that Paragraph 4 of the Resolution as presented should be removed.

Mr. Conrad stated that in order to avoid a budget crisis at the local level, all needless programs should be cut.

Mr. Moore made a motion, seconded by Mr. Armbrust, to adopt the above resolution, minus paragraph 4 and forward Resolution to Delegate Frank Ruff and Delegate Watkins Abbitt.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

2. **Refund on Building Permit:** In 2003 Mitchell Homes obtained a building permit to construct a home with a basement at a cost of \$292.54. The plans have been changed and the basement has been eliminated. Mitchell Homes has been issued a new building permit for this construction without the basement and is requesting that the Board refund the cost of the original permit, which has been voided.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to refund Mitchell Homes \$292.54 for a building permit that has been voided. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

3. **Tax Exempt Property:** Recently the Board has been approached by two (2) nonprofit entities with requests to become exempt from Appomattox County taxes. Currently, churches are exempt from County taxes, though some activities of a given church may not be exempt. Section 58.1-3651 of the Code of Virginia addresses tax exempt status, including the requirement that a public hearing be held prior to granting tax exempt status. The Board is asked to consider whether or not to entertain these tax exempt requests at this time.

It is recommended that the Board refrain from entertaining any requests for tax exempt status until after the adoption of the FY05 budget.

Mr. Armbrust and Mr. Conrad both agree that we should postpone acting on these requests until the budget process is complete. Mr. Conrad added that these entities should understand.

Mr. Overstreet stated that in 2003, this Section of the Code was changed. The Board used to have a public hearing and then make a recommendation to the State Legislature and they would take the action. The local Board now has the power to take this action. Given the fact that there are three (3) new members on the Board he thought it would be better to wait until after the budget process before establishing any policy on how to handle these tax exempt requests. The Commissioner of Revenue has the responsibility for policing this policy.

Mr. Armbrust made a motion, seconded by Mr. Conrad to refrain from taking any action on these tax-exempt requests at this time. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

- 4. Request to Abandon Roads:** Raymond A. Mirra, Jr. and Gigi Jordan have requested to abandon portions of State Roads 721 and 671 in the northwest quadrant of the County. Mr. Overstreet has suggested that, pursuant to the Code of Virginia, a Notice of Abandonment be advertised in February and that this Notice state that the Board will consider this issue at the April 5, 2004 meeting.

Staff recommends that the Board endorse the process as stated and schedule consideration of the proposed road abandonment for April 5, 2004.

Mr. Moore stated that in the 1990's we abandoned part of this road. There was only one residence there at the time and people were disposing of a lot of trash there. Mr. Mirra has since purchased more property and feels it is not necessary for public access to this property.

Mr. Overstreet explained that the action requested of the Board tonight would schedule consideration of this abandonment for the April 5th meeting. During the month of February we would post at three (3) locations on these roads the notice of abandonment and run an advertisement twice in the newspaper. Thirty days after the posting of these notices and running the advertisement, the Board could take action without a public hearing. If someone petitions for you not to do so, then it would have to be postponed and a public hearing would become necessary.

After some discussion Mr. Armbrust made a motion, seconded by Mr. Conrad, to table action this request until the next meeting. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes – 1 absent)

Mr. Craft next called attention to the **Consent Agenda:** (Items 4-7)

- 4. Approval of Bills:** Approve bills for payment as presented.
5. Approval of Minutes: Please approve minutes of Organizational Meeting held on January 5, 2004.

Supplemental Appropriations:

- 6. Sheriff's Department:** Please approve appropriations as follows:
- | | |
|-------------------------------------|------------|
| 3102-3010 – Drug Investigation Fund | \$3,000.00 |
| 3102-1002 – Overtime | \$2,000.00 |

Transfer of Funds:

- 7. Comprehensive Services Act:** Please approve the following transfer of \$455.00 from Comprehensive Service Fund to General Operating Fund.

Mr. Moore made a motion, seconded by Mr. Armbrust, to approve the Consent Agenda as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

Mr. Craft next discussed the **INFORMATIONAL ITEMS:** (Items 8 – 12)

- 8. Appomattox Town Council Agenda:** Agenda for Town Council meeting and workshop held on January 27, 2004.
- 9. Letter from Michael W. Smith concerning Commonwealth' appointees to Courthouse Furnishing Committee:** Letter notifying the Board of the Commonwealth's appointees to the committee assigned to select furnishings for the new Courthouse.
- 10. Letter from County Attorney J. G. Overstreet:** Letter advising that he will not be able to attend the regular meeting on March 15, 2004.
- 11. Robert E. Lee Soil & Water Conservation District:** Minutes from the Robert E. Lee Soil & Water Conservation District Board of Directors Meeting.
- 12. NESBE Cable:** Letter from Danny Jobe, Vice President/General Manager announcing new channels that have been added to the Expanded Basic and Digital Basics lineups and also explaining an increase in rates effective as of March.

Mr. Craft next called for **Supervisor Concerns.**

Mr. Conrad stated he had received a letter from a citizen in the Falling River District requesting the citizens of Appomattox County be given the option of using rifles with greater than .22 caliber during the General Hunting Season commencing 2004-2005 Hunting Season. It is his understanding that this has to be acted upon prior to May 1st in order to be effective in the next hunting season.

Mr. Armbrust has also received letters regarding this subject. The Evergreen Hunt Club with 35 members and the Agee Hunt Club with 100 members are also asking that the County re-visit this issue.

Mr. Overstreet stated a public hearing would be necessary for the County to adopt an ordinance to this effect.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to place the Rifle Ordinance on the agenda for the next meeting. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent).

Mr. Conrad also discussed people rummaging through the dumpsters, pulling things out and not putting them back. They may be looking for things they feel are valuable and they may also be looking for Social Security numbers and such. This is against the Law. He does not feel these are being policed as they should. He feels Ms. Rockefeller is more aware of what has to be done to resolve this problem than the others present. Mr.

Conrad would like to see some citations be issued to those who continue to break the law.

Mr. Moore stated that we should also issue a notice regarding the dumping of "white" items (appliances) at the dumpster sites instead of taking these to the landfill.

Mr. Spencer will get in touch with the Sheriff regarding this and Ms. Rockefeller will talk with Mr. Hamlett of the Times-Virginian.

Mr. Craft stated a closed session was necessary in accordance with the Code of Virginia, §2.2 -3711 A.1 – discussion of personnel matters: 1) consideration of prospective candidates for employment; 2) issue of assignments and promotion; and 3) performance and §2.2-3711- A. 5 – discussion of prospective business or industry with no previous public announcement being made.

At 7:30 p.m. Mr. Moore made a motion, seconded by Mr. Conrad, to enter into Closed session in accordance with the Code of Virginia, §2.2 -3711 A.1 – discussion of personnel matters:) consideration of prospective candidates for employment; 2) issue of assignments and promotion; and 3) performance and §2.2-3711- A. 5 – discussion of prospective business or industry with no previous public announcement being made. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

At 8:38 p.m. Mr. Conrad made a motion, seconded by Mr. Armbrust to return to open session. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye; (4 aye votes, 1 absent)

Mr. Craft then read the following certifying motion:

WHEREAS, this Board convened in a closed meeting in accordance with the Code of Virginia, §2.2 -3711 A.1 – discussion of personnel matters and §2.2-3711- A. 5 – discussion of prospective business or industry with no previous public announcement being made.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

Mr. Craft asked if there was any action as a result of the closed session.

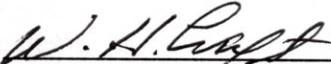
Being nothing to discuss, Mr. Craft reminded the Board of the following upcoming meetings:

Thursday, February 5, 2004
Joint Meeting with School Board

School Administration Building
6:30 p.m.

Tuesday, February 17, 2004
Regular Board Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Mr. Moore made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)


William H. Craft, Vice- Chairman

On Tuesday, February 17, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PLANNING COMMISSION:

Kevin O'Brien – Chairman
Al Sears
Calvin Tanner
Jerry Hughes
Steve Conner
Robert Johnson
Susan Hudson
Marvin H. Mitchell
Jim Seftor
John Wilson
Amy Wallen – Acting Clerk

ALSO PRESENT:

John K. Spencer, Jr. – Interim County Administrator
Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Conrad to deliver the invocation.

Mr. Carter next called for the **Setting of the Agenda** and asked if anyone has anything they wish to add to tonight's agenda.

Mr. Carter stated he would like to address Courthouse Change Orders and this will be added as Item 6 under Administrative Items.

Mr. Carter next called for **Citizen Public Comments:**

This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizen. Mr. Carter also read the policy adopted by the Board of Supervisors on September 16, 2002 establishing this portion of the agenda. (Board Book #20, pages 153-154)

Mr. Carter called the first speaker, Mr. John Mitchell Arrington who resides in the Stonewall District on Route 750. Mr. Arrington stated he wished to address the rifle issue. He has been around guns all his life and is trained in the use of high powered equipment. He is licensed to carry a concealed weapon and continues to take gun classes. He like guns and believes every citizens should have the right to own and bear arms. If we ever lose that, we are in trouble. However, he is strongly opposed to the use of rifles for hunting in Appomattox County. There are three reasons for his opposition: 1) population density – in his vicinity alone, the residential population has grown tremendously, not to mention the vehicular traffic; 2) ballistic characteristics of rifles as opposed to shotguns - the maximum range of a #8 shot in shotgun shells has a range of 690 feet and the most aggressive, #00 Buckshot 1800 feet. On the other hand, rifles have a range that exceeds 2 miles. The 30-06 rifle projectile will travel 17,000 feet. He is not as worried about hunting accidents, but rather stray bullets; 3) the behavior of hunters in the County - On Thanksgiving Day some hunter drove down the middle of Route 750 with loaded guns - hunting. All this property is posted, so where were they hunting? This is illegal. Should we also approve the sale of fireworks, liquor by the drink, topless bars, legal prostitution and other things, just because some other county does. You need to be very careful about looking at what people want and the impact these wants have on the county. Let's keep Appomattox County safe and not have the use of rifles for hunting purposes.

Ms. Ellen Jamerson of Route 727, Appomattox, Va. was the next to address the Board. She, too, is opposed to the use of high powered rifles for hunting in the County. Why have you, as Supervisors, chosen to make this a matter of discussion, especially so early in your term of office when there are so many more pressing issues that need your attention. She doesn't remember anyone campaigning openly on this issue. Long range rifles are more hazardous in flat, hilly terrain than in mountainous areas and previously most areas east of the Blue Ridge Mountains banned these rifles. The demographics of these counties has not changed to make this type of hunting safer, it is quite the opposite with denser population and more cleared land. If rifle hunting has recently been allowed it is because their governing bodies have made unwise decisions and the citizens did not organize to protect their rights against those of the hunters. She feels that the majority of the hunters in Appomattox County are safe hunters. After the 1998 regulation requiring hunters to wear blaze orange, the number of accidents has decreased tremendously. She does not have any trouble with adults but she does have

trouble with 10 and 12 year olds handling guns that can shoot 1-1/2 miles or whatever distance these projectiles can travel. She also quoted some numbers of hunting fatalities in the last several years but did not know if these were related to shotguns or rifles. She also stated that more accidents occur with shotguns because there are a lot more hunters using shotguns than are rifles. Statistics she received the last time this issue was debated showed that 44% of rifle incidents result in fatalities while only 4% of shotgun incidents result in fatalities even though there are more shotguns used. She does not think we need rifle hunting in Appomattox County. She hopes the Board will consider this issue on the merits of safety and the wishes of the majority of our citizens rather than the pleasure derived from hunting by a few.

Ms. Jameson also stated if a public hearing is to be held on this issue, she will be at the Jamerson Memorial Library next Tuesday, from 4:00 t 4:30 p.m. with petitions for those who wish to oppose the use of high powered rifled for hunting in Appomattox County.

Mr. Armbrust stated that he has received several letters and phone calls regarding this issue and he feels it is his duty as a County Supervisor to look at both sides and if he does not, then he is not doing his duty to the citizens of the county.

Mr. Bill Jamerson, Route 727, Appomattox, VA was next to speak regarding this issue. Mr. Jamerson said he is opposed to the use of rifles in the county. He also stated he is disappointed that the Board of Supervisors has brought this up again. He has set where they are setting and knows they have a much more burdensome responsibility facing them with the budget and financial issues, and things that are important to all the citizens of the County. Today, he made three telephone calls and found out you can purchase hunting licenses at the True Value Hardware, Tolley's and D. C. 's Mini Mart. There are probably others as well. Out of the three businesses he contacted, they issued 1,024 hunting licenses in 2003 or less than 8% of the county population of 13,000 plus. You gentlemen can put this to rest tonight or if it goes to referendum, what you have heard tonight will be nothing compared to what will be heard. There will newspaper articles, letters to the editors, letters and phone calls to the Board Members. By nipping this in the bud tonight you will be able to devote your time to the more important issues facing the county.

Mr. Ernie Lucas came forward, stating he did not sign up to speak but he did wish to express his views. He is an avid hunter but he does not hunt as much as he did when he was younger. Statistics he took from the internet a few days ago support the fact that shotguns are really more dangerous than rifles. Most people who are injured are injured at close range. With a rifle you have one bullet traveling, where as with a shotgun you have 18 or more pellets and they can be very dangerous. He is in favor of using rifles for hunting. Most hunters are very careful.

Mr. Carter asked **Ms. Kelly Hitchcock, Region 2000 Regional Commission** to address the Board. Ms. Hitchcock is appearing to discuss the Region 2000 Greenway and Blueway Plan. The Joint Planning Commission endorsed this Plan in October and the Board is now being asked to endorse the Plan as well.

Ms. Hitchcock presented everyone with a copy of the Greenway and Blueway Plan.

Ms. Hitchcock stated the purpose of the plan was to serve as a guide for the creation of a regional linked network of trails, parks, rivers and other interesting destinations in the community. She gave the primary principals behind the system design, stating it is connecting all the jurisdictions within the region; linkages between noteworthy destinations such as residential areas, parks, school and cultural sites; protecting our natural areas, etc. There are two fundamental plans of action: 1) Plan for protecting water quality, plant life and animal habitats; 2) Plan for developing a Regional Trails System that will link the region together. She basically discussed each of the various plans and trails covered in the handout. This is a long range planning concept - 5 to 30 years.

Following Ms. Hitchcock's presentation the Planning Commission excused themselves to hold their meeting at the Community Center.

Mr. Carter thanked Ms. Hitchcock and stated the endorsement of this plan included supporting the idea of a regional system and gives the Regional Planning Commission continual support in developing a mechanism to implement the plan and provide support for the adoption of the Region 2000 Greenway and Blueway Plan. Mr. Carter asked if there was a motion to adopt this plan.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to adopt the Region 2000 Greenway and Blueway Plan. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called **Mr. Paul Lee – Robinson, Farmer & Cox** to address the Board. Mr. Lee is meeting with the Board to hold the exit audit review for last fiscal year - 2003.

Mr. Lee began by stating that this was the first audit since the change was made from a modified accrual basis to the GASBE 34 Compliance audit. Mr. Lee discussed the various exhibits of the audit report. We are in good fiscal health, as we have been for several years. Mr. Lee stated that we have a great tax collection record of about 99%. Mr. Lee wanted to commend the County Staff, School Staff and Social Services on the good job they do in assisting Robinson, Farmer & Cox during the audit process.

Mr. Carter thanked Mr. Lee for his report.

Mr. Carter next called **Mr. David Garrett – Town Manager** to address the Board concerning the Joint Water Committee outline for the next phases of the Route 460 Water Line Project.

Mr. Garrett passed out some information on what the committee has done thus far. The Committee members are: Mr. Lewis McDearmon- Town Council; Mr. Samuel Carter – Board of Supervisors; and Mr. Garrett – Town Manager. He also gave credit to Mr. Andy Carroll, former County Administrator, for the work he performed for this Committee. The scope of the work for this committee was to provide various options regarding the development of a reliable long-term water source for the Town and the County of Appomattox. The only way to make this a reality is for the two entities to work together to protect the economic future of both entities, and alleviate the need for crisis

management for water sources in drought conditions. Mr. Garrett gave a brief history of where they have been so far. He also briefly touched on the various funding sources for the project. There are still a lot of issues and questions to be resolved such as ownership, rate structure, establishing a Public Service Authority and when this should be done, who should seek funding, who would lobby for the project, who will evaluate design options, cost alternatives, who would mount the public/private support for the project, and would coordinate the applications involved in the project. The success of this project will depend on the time and energy placed on the project "You get out of it what you put into it".

The Committee recommendations are to contract with the Regional Commission to have this work done for us, to be the Project Manager and get this up and running. If we do not have someone dedicated to doing this, it will fall on deaf ears, and just prolong this issue. This would be the most cost efficient approach. The Town and the County would need to set aside approximately \$25,000 in the FY05 budget to get this project going in the next twelve months.

Mr. Garrett asked if anyone had any questions.

Mr. Craft asked if the 460 Line was definite.

Mr. Garrett stated it was pretty solid but that negotiated rates or other issues could arise.

Mr. Conrad questioned how long it would take to build a reservoir. We have spent years on this and we need to do something soon.

There was a lengthy discussion regarding the various options regarding this water project.

At 7:53 p.m. Mr. Carter called for a short break.

At 8:00 p.m., Mr. Carter re-convened the meeting and called attention to the **ADMINISTRATIVE ITEMS: (items 1-5)**

1. **Resolution Supporting Biking Trails Grant Application:** Resolution supporting a planned grant application to the Department of Conservation and Recreation in the amount of \$100,000. If approved, these funds would be used at the Appomattox Community Park to construct hiking and biking trails, erect signage, and provide ADA accessibility to part of the trail system. A 20% match is required to receive these funds, but will be covered by in-kind and donated contributions, meaning that no County funds will be needed.

Mr. Craft made a motion, seconded by Mr. Moore, to approve the following resolution:

**RESOLUTION OF SUPPORT
GRANT REQUEST
APPOMATTOX COUNTY**

DEPARTMENT OF RECREATION

WHEREAS, the Department of Conservation and Recreation provides funds to assist political subdivisions of the Commonwealth of Virginia by providing the Virginia Recreation Trails Fund Grant for hiking trails at the Appomattox Community Park; and

WHEREAS, there are urgent needs within Appomattox County to build hiking trails; and

WHEREAS, it is fitting that we build these hiking trails to highlight the Appomattox Community Park for constructive, creative and meaningful free-time activities; and

WHEREAS, we are more aware than ever before of the importance which leisure activities will have in our future lives and in the lives of our children and grandchildren;

NOW, THEREFORE, BE IT RESOLVED BY THE APPOMATTOX COUNTY BOARD OF SUPERVISORS that the County wholeheartedly supports the grant application of the County of Appomattox and hereby urges the Department of Conservation and Recreation to look favorably upon this application and fund the project as outlined there by improving the quality of life of all citizens of our county.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Request to Abandon Roads:** At the last meeting, the Board tabled a request from Raymond A. Mirra, Jr. and Gigi Jordan to abandon portions of State Roads 721 and 671 in the northwest quadrant of the County. Mr. Overstreet has suggested that, pursuant to the Code of Virginia, the enclosed resolution should be adopted and a Notice of Abandonment be advertised in February. Mr. Overstreet also suggests that this Notice state that the Board will consider this issue at the April 5, 2004 meeting.

Recommendation is that the Resolution be adopted and that the Board schedule consideration of this request for April 5, 2004.

Mr. Conrad stated he has visited the area on Monday. Mr. Mirra now owns all the property and it is basically woodland. There is no reason why the State should pay for maintaining this section of the roads.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to adopt the following resolution:

**RESOLUTION TO CONSIDER
ABANDONING PORTIONS OF TWO**

APPOMATTOX COUNTY SECONDARY ROADS

WHEREAS, a petition has been filed by Thomas W. Lawson, Attorney for Raymond A. Mirra, Jr., and Gigi Jordan, to abandon portions of State Roads 721 and 671 in Appomattox County; and

WHEREAS, pursuant to the language of the Code of Virginia, the Appomattox County Board of Supervisors must duly consider this request of abandonment; and

WHEREAS, the Code of Virginia required that a Notice of Abandonment be posted in three (3) locations along each affected road at least 30 days prior to the Resolution of the Board abandoning these two roads; and

AND WHEREAS, the Code of Virginia also requires that a Notice of Abandonment be published in the newspaper of local circulation at least two (2) times 30 days prior to the Resolution of the Board abandoning these two roads;

NOW, THEREFORE, BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby note receipt of said Petition of Abandonment and agrees to schedule consideration of said Petition for April 5, 2004, after proper public notification according to the laws of the Commonwealth of Virginia, including notification of the Commonwealth Transportation Board.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 3. Hunting with Rifle Ordinance:** At the last meeting, Mr. Armbrust and Mr. Conrad both displayed letters from citizens interested in repealing the restriction on hunting with rifles. At the Board's request, this issue is being discussed tonight to see if a public hearing is warranted.

Recommendation is that the Board schedule a public hearing for Monday, April 5, 2004 to gain public input on the repeal of Section 87-1 of the Appomattox County Code.

Mr. Conrad stated that they had heard comments from several concerned citizens and he feels that there are many more citizens who would like to comment on this issue and a public hearing should be scheduled for this purpose.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to hold a public hearing on Monday, April 5, 2004 to receive comments on the repeal of Chapter 87 of the Appomattox County Code. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if the Board would like to have this public hearing held at the Appomattox County High School Auditorium. Mr. Spencer will check on the availability of the High School and report back to the Board. Notice will also be printed in the local newspaper.

3. **Resolution Requesting Secondary Road Paving:** The VDOT Resident Engineer has determined that portions of Route 675 are eligible for paving under the Paved in Place Program. Unlike the Rural Rustic Program, this program allows for needed upgrades behind the ditch line. VDOT Resident Engineer has also provided resolutions to be adopted by the Board that will make this an official request to VDOT.

Recommendation is that the resolutions be adopted and forwarded to the local VDOT Resident Engineer.

Mr. Craft made a motion, seconded by Mr. Conrad, to adopt the following resolutions for Paving of Secondary Roads (Route 675).

WHEREAS, the 1997 Session of the Virginia General Assembly amended and re-enacted Section 33.1-70.1 of the Code of Virginia relating to the paving of certain secondary roads using a pave-in-place option, and

WHEREAS, this act provides for the adoption of a resolution by the governing body of any county requesting the Virginia Department of Transportation (VDOT) to consider the hardsurfacing of any secondary road meeting the criteria prescribed by this statute, and

WHEREAS, Route 675 between Route 644 and 0.90 mile east of Route 644 is included in the current six-year plan for improvements to the secondary system in the county, and

WHEREAS, this Board has requested VDOT's Resident Engineer to review this section of road to determine if it is a viable candidate for hardsurfacing under the provisions of this statute, and

WHEREAS, the Resident Engineer has determined that this road is eligible for paving under this statute.

BE IT THEREFORE RESOLVED, the Appomattox County Board of Supervisors hereby requests that the Department of Transportation hardsurface this road in accordance with the provisions of Section 33.1-70.1 of the Code of Virginia and the related policies of that agency.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

And

WHEREAS, the 1997 Session of the Virginia General Assembly amended and re-enacted Section 33.1-70.1 of the Code of Virginia relating to the paving of certain secondary roads using a pave-in-place option, and

WHEREAS, this act provides for the adoption of a resolution by the governing body of any county requesting the Virginia Department of Transportation (VDOT) to consider the hardsurfacing of any secondary road meeting the criteria prescribed by this statute, and

WHEREAS, Route 675 between Route 700 and 1.0 mile west of Route 700 is included in the current six-year plan for improvements to the secondary system in the county, and

WHEREAS, this Board has requested VDOT's Resident Engineer to review this section of road to determine if it is a viable candidate for hardsurfacing under the provisions of this statute, and

WHEREAS, the Resident Engineer has determined that this road is eligible for paving under this statute.

BE IT THEREFORE RESOLVED, the Appomattox County Board of Supervisors hereby requests that the Department of Transportation hardsurface this road in accordance with the provisions of Section 33.1-70.1 of the Code of Virginia and the related policies of that agency.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 5. Resolution in Support of High Bridge Rails-to-Trails Transportation Enhancement Grant:** Mildred Hampton, County Administrator for Prince Edward County has written outlining the fact that the Virginia Department of Conservation and Recreation will be applying for a Transportation Enhancement Grant to lay the ground work for a proposed Rails-to-Trails project should Norfolk & Southern abandon the 35 miles of rail line between Burkeville and Pamplin. The Counties of Appomattox, Prince Edward, Cumberland and Nottoway are being asked to support this economic stimulus project.

Recommendation is that this resolution be adopted in support of the High Bridge Rails-to-Trails Project

After a short discussion, Mr. Moore made a motion, seconded by Mr. Conrad, to approve the following resolution:

**Transportation Enhancement Grant
HIGH BRIDGE RAILS-TO-TRAILS**

WHEREAS, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

WHEREAS, Norfolk Southern Corporation is proposing the abandonment of 35.66 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward; and

WHEREAS, the long-term objectives of the Board of Supervisors of the County of Appomattox are the protection of the rail corridor through the development of a rails-to trails project, the transformation of the abandoned rail corridor into an outdoor recreational and heritage tourism opportunity, and the protection of High Bridge, a nationally and historically significant railroad bridge structure; and

WHEREAS, *High Bridge Rails-to-Trails*, creates new economic and outdoor recreation opportunities for citizens of the Counties of Prince Edward, Cumberland, Appomattox and Nottoway and the Town of Farmville, Burkeville, Pamplin and the villages of Rice and Prospect; and

WHEREAS, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the development of a master plan, community communications plan, environmental survey, and engineering study on bridge structures and other trail improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Appomattox, Virginia, supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

BE IT FURTHER RESOLVED, that the County of Appomattox hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Appomattox, Virginia at a regular board meeting in Appomattox, Virginia, at which a quorum was present and that same was passed by a vote of five in favor and none opposed, this 17th day of February, 2004.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 6. Courthouse Change Orders:** The Board has received change orders from Gary Harvey, Project Manager - Craddock-Cunningham concerning the Courthouse construction. 1) Light Fixtures & Switches: cost - \$416.00 and 2) Bruce Signs - \$50.50. There was also a change order for Cabinets and Countertops for the J&DR Courtroom: cost - \$1,805.00 and the Security Office: cost - \$1,950.00. The Courthouse Committee has recommended approval of the light fixtures & switches, the signs and the cabinetry for the J&DR Courtroom.

After some discussion regarding the construction of the cabinets for the Security Office, Mr. Moore made a motion, seconded by Mr. Craft, to approve the Courthouse Change Orders as presented with the exception of the cabinets for the Security Office. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Consent Agenda:** (Items 7 – 14)

- 7. Approval of the Bills:** Please bills as presented for payment.

Supplemental Appropriations:

8. **Sheriff's Department:** Please approve supplemental appropriations for monies received on DMV Mini Grant:
- | | | |
|-----------|------------|--------------------------|
| 3107-7001 | \$1,500.00 | Grant #JC04-92-50592(10) |
| 3107-7001 | \$1,500.00 | Grant #JC04-92-50592(11) |
9. **Animal Friendly Plates:** Please approve supplemental appropriation for monies received from Department of Motor Vehicles for the County's share of Animal Friendly Plate sales to be used for supporting sterilization programs for dogs and cats in the locality.
- | | | |
|-----------|------|----------|
| 7109-5631 | AWAG | \$257.95 |
|-----------|------|----------|
10. **Appomattox County Public Schools:** Please approve supplemental appropriation request of \$863.49 for reimbursement of amounts which have been expended for operation of the old elementary school during its use for a courtroom and recreational facility.
11. **Department of Parks, Recreation & Tourism:** Please approve supplemental appropriation from the Sports Complex Fund to the General Fund:
- | | | |
|-----------|----------------|------------|
| 7101-7000 | Capital Outlay | \$2,285.00 |
|-----------|----------------|------------|
12. **Board of Supervisors:** Please approve supplemental appropriation for monies received from retirees:
- | | | |
|------------|-------------------|------------|
| 11101-2006 | Retiree Insurance | \$3,465.15 |
|------------|-------------------|------------|
13. **Library:** Please approve supplemental appropriations as follows:
- | | | |
|-----------|-----------------|----------|
| 7301-5401 | Office Supplies | \$188.80 |
| 7301-5415 | Summer Reading | \$103.00 |
| 7301-5411 | Books | \$498.22 |

Transfer of Funds:

14. **Comprehensive Services Act:** Please approve the following transfer of \$6,250.00 from Comprehensive Services Fund to General Operating Fund for payment of the CSA Coordinator for the months of October, 2003 - February, 2004.

Mr. Carter asked if there were any questions regarding the Consent Agenda.

Mr. Conrad made a motion, seconded by Mr. Armbrust to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye, and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:** (ITEMS 15-21)

15. **Department of Parks, Recreation & Tourism:** Update from Director of Parks, Recreation & Tourism for the month of February, 2004.
16. **Appomattox Town Council Agenda:** Agenda for Town Council meeting held on February 9, 2004.

- 17. **Information and Referral Center:** Quarterly report for the Information and Referral Center of Central Virginia Problem/Need Inquiries for Appomattox County
- 18. **School Board Financial Report:** Appomattox County Public School's financial report for the month of March.
- 19. **Supervisor Concerns:** Mr. Carter asked if anyone had anything to discuss during this period.

Mr. Conrad stated he had a couple of things he wished to discuss. Mr. Bill Allen Burke has asked to have some lights placed on the Library building to provide light for the Watkins Abbitt Park. The Library sits below the Park level and he questions just how effective this arrangement would be. Maybe these lights could be placed on poles.

Mr. Conrad's next concern regards the Rescue Squad. Business are reluctant to let employees leave during working hours to answer calls. There has been some talk about having paid rescue personnel during the day time hours.

Mr. Carter mentioned that this subject will be discussed at a meeting of the Appomattox Town Council and the Rescue Squad Members on February 19th. The Board will receive feedback from this meeting.

Mr. Craft stated he had contacted Barry Watkins, the Maintenance Supervisor and toured most of the County's buildings. 99% of these buildings are in need of painting, with the School Administration building being in terrible shape. The Social Services Office is in the worse shape. They need doors replaced, windows replaced and painted, new tiles in the restrooms, new carpet and some door facing replaced.

Mr. Spencer suggested that the Board may wish to address what offices will be moving once the new courthouse is completed before starting any major renovations projects.

Mr. Carter stated that the Board may want to revisit the proposals for repairs received some time ago.

Mr. Carter said he wished to comment on the idea Mr. Guild presented at a recent meeting to have the Re-enactment placed as a rider on the County's insurance policy. He asked Mr. Spencer to check on this and report back to the Board.

Mr. Carter also asked that Mr. Guild's request for supplemental funds for the re-enactment be placed on the agenda for the next meeting.

Mr. Carter next stated that a Closed Session was necessary in accordance with §2.2 – 3711. A 1, of the Code of Virginia, for the purpose of discussing personnel matters: 1) discussion of prospective candidates for employment as County Administrator as well as Building Official; 2) assignments/ performance of employees.

At 8:30 p.m. Mr. Craft made a motion, seconded by Mr. Moore, to enter into closed session in accordance with §2.2 – 3711. A 1, of the Code of Virginia, for the purpose of

discussing personnel matters: i.e. 1) discussion of prospective candidates for employment for County Administrator as well as Building Official; 2) assignments and performance of employees. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At 9:19 p.m. Mr. Craft made a motion, seconded by Mr. Moore, to return to regular session. Mr. Carter read the following certifying motion:

WHEREAS, this Board convened in a closed meeting under §2.2 – 3711. A. 1, of the Code of Virginia, for the purpose of discussing personnel matters; prospective candidates for employment – County Administrator and Building Official and assignments and performance of employees;

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called the Board's attention to **Upcoming Meetings:**

Monday, February 23, 2004
School Board Administration Building
6:30 p.m.

Thursday, March 25, 2004
Appomattox Town Office
5:30 p.m. Dinner
6:00 p.m. Joint Meeting

Monday, March 1, 2004
Regular Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

Monday, March 15, 2004
Regular Meeting
Council Chambers – Appomattox Town Office
6:30 p.m.

At 9:20 p.m. Mr. Conrad made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter

Samuel E. Carter, Chairman

On Monday, February 23, 2004 the Appomattox County Board of Supervisors held a joint meeting with the Appomattox County School Board at the School Board Administration Office located on Court Street, Appomattox, VA.

PRESENT (Board of Supervisors):

Mr. William H. Craft, Vice-Chairman – Appomattox River District
Mr. Thomas H. Conrad – Falling River District
Mr. Russell H. Moore – Piney Mountain District
Mr. Shawn A. Armbrust – Wreck Island District

ABSENT (Board of Supervisors):

Mr. Samuel E. Carter, Chairman – Courthouse District

PRESENT (School Board):

Mr. Todd Pickett
Mr. Raymond Mitchell
Ms. Amy Martin
Mr. Clifford Rhodenizer
Ms. Marcie Jones

ALSO PRESENT:

Mr. John K. Spencer, Interim County Administrator
Dr. Walter Krug, Superintendent of Schools
Ms. Janice Marston
Dr. Dorinda Grasty
Ms. Martha Eagle
Mr. Billy Perrow

At 6:33 p.m. Mr. Craft opened the meeting for the Board of Supervisors.
Mr. Cliff Rhodenizer opened for the School Board.

Dr. Krug thanked everyone for being present and presented those present with a packet covering items of interest to the School Officials and the Board of Supervisors. Dr. Krug stated that the School Staff would present some things that are related to school facilities. The format for discussion will include:

Schools and the Vision for the School from the School Board's point of view
Requirements that we are facing in developing the FY2005 Budget
Facilities – Primary School, Carver-Price & Oakville building.

The School Board wants to be sure the Board of Supervisors has all the information they need in order to make the decisions they will be making in the near future.

The theme for the Vision of the Schools for the past several years has been "Learning and Succeeding in a Caring Environment". Everyone needs to be successful whether they are students or staff. Dr. Krug also talked about the goals of how to prepare the students for a higher education, job skills and work ethics, career options, the world of technology, citizenship and community service and being a well-rounded individual.

Dr. Krug discussed the various types of school districts:

Failing School District:

Minimal School District:

Adequate School District:

Cutting Edge School District:

In his opinion, Dr. Krug sees some dangerous signs. Our school are better than minimal but he is not sure they are moving in the right direction.

Dr. Krug stated that one of the things that needed to be done was the preparing of a budget and he wanted everyone to understand what the legal requirements are for the School Board in preparing their budget. The Code states " It shall be the duty of each division superintendent to prepare, with the approval of the school board, and submit to the governing body or bodies appropriating funds for the school division (by April 1) **the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the public schools of the school division.**" The School Board has to deem what will be needed for next year and that has to be presented through a budget to the Board of Supervisors.

There was some discussion of how the School Board derived at what items were necessary for the operation of the Schools for the upcoming budget year, salaries and benefits, the Fair Labor Standards Act, Title Grant Funds and other state and federal standards that must be met.

Dr. Krug also addressed the salary differences for Appomattox County as compared to those of surrounding counties not only for teachers but also support staff as well. Also it has frequently been stated that the central office of the School Board was overstaffed. This is not true, we fall behind the surrounding counties of Buckingham, Charlotte and Prince Edward in staff ratio.

Dr. Krug stated that our school system is showing ominous sings of a downward spiral:

- Losing ground in salaries and benefits
- Losing programs for general student population
- Not keeping up with purchase of school buses
- Not keeping up with maintenance of facilities

Dr. Krug gave an overview of the Budgeted Resources from 1999 to 2004 and Mr. Perrow presented a chart of the actual revenues, broken down by State Revenues, Local Revenues, Sales Taxes and Federal Revenues. This chart also showed Debt Service.

The School Board will hold a Public Hearing on February 25, 2004 to receive public input on the Budget for the upcoming year.

Dr. Krug stated they needed to briefly address the issue of School Facilities:

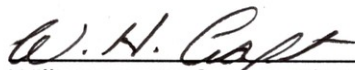
- Appomattox Primary School
 - planning for an addition
- Carver-Price School Property
 - Return to Board of Supervisors July 1, 2004
 - Agreement on continued use of school maintenance shop and Storage buildings
- Oakville School Building
- Long Range Facilities Plan

Plans for the Primary School include:

- Replacing five (5) mobile units
- Address handicapped accessibility (front entrance & restrooms)
- Repairs to Exterior (roof replacement, traffic issues, etc.)

At 8:15 p.m. Mr. Conrad made a motion, seconded by Mr. Moore to adjourn the Board of Supervisors meeting. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Craft, aye. (4 aye votes, 1 absent)

Ms. Amy Martin made a motion seconded by Ms. Jones to adjourn the School Board meeting. All vote aye.


William H. Craft, Vice-Chairman

On Thursday, February 26, 2004 the Appomattox County Board of Supervisors held a special meeting at the Virginia Department of Transportation Office on Ferguson Street, Appomattox, VA.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Thomas Conrad – Falling River District
Mr. William H. Craft – Appomattox River District
Mr. Russell H. Moore – Piney Mountain District

ABSENT: Mr. Shawn A. Armbrust – Wreck Island District

ALSO PRESENT: Mr. J. O. Overstreet – County Attorney

At 3:15 p.m. Mr. Carter opened the meeting and stated the purpose of the meeting was to interview candidates for the position of County Administrator.

At 3:20 p.m. Mr. Craft made a motion, seconded by Mr. Conrad to enter into closed session in accordance with §2.2 – 3711 A. 1 – Personnel Matters, of the Code of Virginia, for the purpose of interviewing candidates for the position of County Administrator. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 6:15 p.m. Mr. Conrad made a motion, seconded by Mr. Moore to return to regular session. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then read the following certifying resolution:

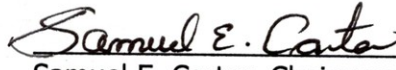
WHEREAS, this Board convened in a closed meeting under §2.2 0 3711 A.1 Personnel Matters – of the Code of Virginia, for the purpose of interviewing candidates for the position of County Administrator;

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 6:30 p.m. Mr. Conrad made a motion, seconded by Mr. Moore, to adjourn.


Samuel E. Carter, Chairman

On Monday, March 1, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Thomas H. Conrad – Falling River District
Mr. William H. Craft – Appomattox River District
Mr. Russell H. Moore – Piney Mountain District

ABSENT: Mr. Shawn A. Armbrust – Wreck Island District

ALSO PRESENT:
Mr. John K. Spencer – Interim County Administrator

Mr. Johnny Overstreet – County Attorney

At 6:35 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to deliver the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

Mr. Carter stated he had two (2) items he wished to add to the Agenda:

- 1 - The use of Courtland Field in regards to the sale of alcoholic beverages - to be added under **Administrative Items: 1-A – Courtland Field.**
- 2 - Appointment to the Elementary School Committee – **Administrative Items: 8.**

Mr. Carter asked if anyone else had anything they wished to add.

Mr. Carter next opened the **Citizen Public Comments Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

No one had asked prior to the meeting to address the Board and no one came forward at this time.

Mr. Carter noted that Ms. Penny Taylor would be speaking on the reenactment in place of Mr. Wayne Phelps. However, since Ms. Taylor had just arrived, Mr. Carter granted her a few minutes to collect her thoughts.

Mr. Carter then called **Ms. Barbara Williams, Clerk of the Circuit Court** to address the Board. Ms. Williams is appearing before the Board on behalf of the Courthouse Furnishings Committee to discuss the need to expedite the process to select furnishings for the new Courthouse.

Ms. Williams stated Judge Blanton had contacted her regarding when they would meet with the architect regarding the courthouse furnishings. She was aware that some furniture would have to be purchased and she assumed that some of the present furnishings would be transferred to the new facility. She contacted Mr. Gary Harvey and was informed this was not a part of their contract. Mr. Harvey also told her that we would be pushed for time since these would need to be placed out on bid. She is concerned because the court order states that the Courthouse has to be adequately furnished. Ms. Williams recommends the Board place furnishings back into the Craddock-Cunningham contract as this would likely cost less than having a "middle man" involved. Ms. Williams is also recommending that Ms. Lynn Cunningham be used as the consultant as she has worked very closely with the color schemes, carpets and tiles.

Mr. Carter thanked Ms. Williams for her comments and stated the Board would address this issue later in the meeting.

Mr. Carter next called **Ms. Penny Taylor of the Reenactment Committee** to address the Board. Ms. Taylor is appearing before the Board to discuss the upcoming Civil war reenactment to be held June 19-20, 2004.

Ms. Taylor stated she would like to re-cap for the Board where the Committee is in planning for this upcoming event. Ms. Taylor reported on the financial status of the Committee at the present time. They are receiving some suttlers fees and some registration fees from the re-enactors. Their biggest concern is Insurance. It appears that no one can take them on as a rider, and they cannot place a rider on their present insurance. Insurance last year cost them \$1,380.38 and this did not include rain insurance as they did not meet the deadline. They would like to purchase rain insurance this year which will cost between \$1800 – \$2,500. This would cover a certain percentage of the anticipated proceeds in the event this re-enactment if rained out. The rain insurance has to be issued 60 days in advance of the event. Ms. Taylor thanked the Board for any support they can give them.

Mr. Carter thanked and excused Ms. Taylor.

Mr. Carter called for action on the **Administrative Items:** (Items 1 – 8)

1. **Chamber Request for Reenactment Assistance:** The Appomattox County Chamber of Commerce has request that the Board of Supervisors contribute \$3,000 to the Civil War reenactment scheduled for June 19-20, 2004. Also, the Chamber has requested that the Board provide insurance for the weekend event by adding a rider to the existing County policy. Last year, the previous Board made what was described as a "one-time" contribution of \$5,000 to the 2003 reenactment. Also, last year, the re-enactors were asked to provide their own insurance, which they, in fact, did.

Staff is working with our insurance carrier to determine the cost of such a rider.

Mr. Carter stated that we now know that a rider cannot be placed on the County's insurance under the conditions of our existing policy. Also, the re-enactment was a great asset to the community last year. The attendance was excellent. Due to the present budgetary restraints, Mr. Carter is in favor of paying for the insurance with the additional rain insurance up to approximately \$3,000/\$3,500 or, as an alternative, giving the Chamber a contribution.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Moore to provide the Re-enactment Committee \$3,500.00 for the purchase of the needed insurance. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. **Courthouse Furnishings:** The previous Board voted to delete from the Craddock-Cunningham contract all responsibility for furnishing the new courthouse. However, as stated by Ms. Williams, we now face a time and staffing dilemma that has prompted the Courthouse Furnishings Committee to request that Craddock-Cunningham be called upon to tackle this task. All work would be done on a per hour basis under the "other tasks" portion of the existing contract, just as was done for the courthouse connector.

Staff agrees with the recommendation of the Courthouse Furnishings Committee that Craddock-Cunningham be given the responsibility for furnishing the new courthouse on a per hour basis.

Mr. Carter stated that in accordance with "Robert's Rules of Order", he will place on the floor a motion to rescind the vote of the last Board deleting Craddock-Cunningham from doing the furnishings on contract. Mr. Moore seconded this motion. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Craft made a motion, seconded by Mr. Conrad, to hire Craddock-Cunningham as recommended by the Courthouse Furnishings Committee to provide the necessary work to furnish the Courthouse. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

3. **Courthouse Change Order:** Mr. Moore has indicated that based upon additional information, he now recommends authorization of a change order to construct a heat race to protect a water pipe serving the Old Courthouse, the Clerk's office, and the Treasurer/Commissioner of Revenue Building.

Staff recommends approval of this change order request.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Moore, to approve the Courthouse Change Order to construct a heat race to protect a water pipe serving the Old Courthouse, the Clerk's Office, and the Treasurer/Commissioner of Revenue Building. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

4. **E-911 Address Sign Contract:** Recently an Invitation to Bid was released for the fabrication of 5,700 E-911 address markers that will be used to identify each structure in the County. This activity was included in the FY2004 Budget. Two bids were received as follows:

Sign Design	\$115,140.00
Designer Signs	\$124,836.00

Staff and the County's E-911 consultant, TIMMONS, both recommend acceptance of the low bid and entering into an agreement with Sign Design. This recommendation is being made based both on price and a successful reference check.

Mr. Conrad made a motion, seconded by Mr. Craft, to accept the low bid from Sign Design of \$115,140.00 for the fabrication of 5,700 E-911 address markers to be used to identify each structure in the County. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

5. **E-911 Street Sign Purchase:** Payne's Parking Designs, contractor for the E-911 street signs recently erected, has presented the County with a proposal to purchase 132 duplicate signs at approximately 1/3rd of the normal cost. Total

cost of these signs would be \$4,983.00 and would be funded through an existing line item in the FY2004 budget.

Staff recommends that these duplicate signs be purchased and used when necessary to replace damaged or lost street signs.

Mr. Fred Godsey, E-911 Coordinator, stated he has covered just about every intersection in the County, checking to see which signs are missing and also making sure the roads were named properly. There are a few that will need correcting. Approximately 60 signs and 15 posts are missing as of this past week. This is one reason he has recommended purchasing these duplicate signs which were made in excess and the cost is at a great savings. It appears this will be an ongoing thing and we will be purchasing new signs in the future. Mr. Godsey feels that vandalism is the primary reason for so many signs being down. Some of these down signs have been turned in to the County Administration Office. Mr. Godsey estimates that there are approximately 118 unnamed road that may need to be named. It is his understanding that when the E-911 address packets are delivered to residences by TIMMONS, these residents will be given the opportunity to name their roads at that time.

Mr. Godsey has spoken with Ms. Rockefeller at the landfill and she has indicated that she may be able to supply the manpower for putting up the replacement signs.

After some discussion, Mr. Craft made a motion, seconded by Mr. Conrad, to purchase the duplicate signs from Payne's Parking Designs at a total cost of \$4,983.00 which would be funded through an existing line item in the FY2004 budget. This is a sole source procurement based on the information supplied by Mr. Godsey. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

6. **Resolution to Move April 5th Meeting:** A resolution is necessary to move the April 5, 2004 Board of Supervisor's meeting to the Appomattox County High School in anticipation of a large turnout for the Rifle Ordinance public hearing. Staff recommends adoption of the resolution in order to move the April 5th meeting to larger quarters in accordance with the Code of Virginia.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Craft to approve the following resolution to move the April 5th, 2004 meeting to the Appomattox County High School.

**RESOLUTION AUTHORIZING
THE MOVING OF THE APRIL 5, 2004 MEETING
TO APPOMATTOX COUNTY HIGH SCHOOL**

WHEREAS, the Board of Supervisor has been asked by members of the public to pursue a change in the ordinance prohibiting the use of rifles larger than .22-caliber when hunting within Appomattox County; and

WHEREAS, the Board of Supervisors has scheduled a public hearing to solicit input on the matter on the evening of April 5, 2004; and

WHEREAS, the Board of Supervisors expects a large turnout at this public hearing during which citizens for and against the proposed changes may express their opinions;

AND WHEREAS, the Board of Supervisors' normal place of meeting, the Appomattox Town Office, is deemed to be of insufficient size to accommodate the expected crowd.

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox County Board of Supervisors does hereby authorize the regular meeting of this Board scheduled for April 5, 2004, to be moved to the Appomattox County High School.

VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Overstreet informed the Board that he had checked the Code regarding a referendum on the rifle issue. The Code states that you cannot have a referendum except when specifically authorized by statutes, even if it is an advisory one.

7. **Resolution to Abandon Roads:** At the last meeting, the Board adopted a resolution to consider on April 5, 2004, a request by Raymond A. Mirra, Jr., and Gigi Jordan to abandon portions of State Roads 721 and 671. The applicants have modified their original request to include the proposed abandonment of an additional 390 feet. Notice of this notification will have to be printed in the newspaper for two (2) issues, followed by a thirty (30) day period that will allow public comments prior to the Board's consideration. Therefore, in order to meet the requirements of the Code of Virginia, consideration of this request should be rescheduled for April 19, 2004.

Recommendation is to adopt the enclosed resolution moving consideration of this abandonment from April 5 to April 19, 2004.

**RESOLUTION TO CONSIDER
ABANDONING PORTIONS OF TWO
APPOMATTOX COUNTY SECONDARY ROADS**

Whereas, a petition has been filed by Thomas W. Lawson, Attorney for Raymond A. Mirra, Jr. and Gigi Jordan, to abandon portions of State Roads 721 and 671 in Appomattox County; and

Whereas, pursuant to the language of the Code of Virginia, the Appomattox County Board of Supervisors must duly consider this request of abandonment; and

Whereas, The Code of Virginia requires that a Notice of Abandonment be posted in three (3) locations along each affected road at least 30 days prior to the Resolution of the Board abandoning these two roads; and

Whereas, the Code of Virginia also requires that a Notice of Abandonment be published in the newspaper of local circulation at least two (2) times 30 days prior to the Resolution of the Board abandoning these two roads; and

Whereas, the applicants have modified their request;

And Whereas, public notice of this modification cannot be printed within the time frame required by the Code of Virginia for consideration by the Board of April 5, 2004.

Now, Therefore, Be It Resolved That the Appomattox County Board of Supervisors does hereby note receipt of said modified Petition of Abandonment and agrees to reschedule consideration of said Petition to April 19, 2004, after proper public notification according to the laws of the Commonwealth of Virginia, including notification of the Commonwealth Transportation Board.

Mr. Craft stated he had received additional information regarding this petition. There are other properties in the area that people need access to. He feels a public hearing is necessary.

Mr. Conrad stated he was under the impression that all of this property was owned by Mr. Mirra. After visiting the area last week, he found out this was not the case. Some of the landowners elected not to sell their property to Mr. Mirra and do not intend to do so in the near future. He feels this road should be utilized by everyone and not abandoned at this time.

Mr. Moore also has been contacted by property owners who are against the abandoning of these roads. He does not feel he could agree to this resolution.

Mr. Overstreet informed the Board that statutes state a petition has to be heard. Notices have to be placed on the roads and in the newspaper stating the petition will be considered on a certain date, but that this consideration does not necessarily have to be a public hearing. The Code further states that if a landowner abutting that road wishes to have a public hearing, they must request in writing to the Board of Supervisors to hold a public hearing. The property owners who do not wish this road to be abandoned, need to request the Board to hold a public hearing. If this is done in a timely manner, a public hearing could be scheduled for the same night as the consideration of abandonment. After the public hearing, you have to be satisfied that "no public necessity exists for the continuance of said road as a public road" or "that the safety and welfare of the public would be served better by abandoning this road".

Mr. Conrad made a motion, seconded by Mr. Moore, that consideration of the petition to abandon portions of State Roads 721 and 671 be moved to April 19th, 2004. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

- 8. Added Appointment to Old Appomattox Elementary School Committee:**
Mr. Carter would like to present the name of Ms. Rowena Robinson to be added to this Committee.

Mr. Carter made a motion, seconded by Mr. Craft to appoint Ms. Rowena Robinson to the Old Appomattox Elementary School Committee. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter stated they needed to discuss item **1A – Usage of Courtland Field:** A request has been received from the Appomattox County Chamber of Commerce for use of Courtland Field on September 17, 2004 for a Friday Cheers event. This event is usually held at Abbitt Park, but due to the expected turn-out, they are in need of a larger area. The sale of alcoholic beverages would be in effect as they were at Abbitt Park.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Moore, to approve the use of Courtland Field by the Appomattox Chamber of Commerce on September 17, 2004, along with the sale of alcoholic beverages. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

Mr. Carter next called attention to the **CONSENT AGENDA: (Items 9-14)**

9. Approval of the Bills: Please approve bills as presented for payment.

10. Approval of Minutes: Please approve minutes of Joint Meeting with School Board on 1-12-04, Regular Board Meeting on 1-20-04, Regular Board Meeting on 2-2-04.

SUPPLEMENTAL APPROPRIATIONS:

11. Sheriffs' Department: Please approve supplemental appropriation as follows:

3102-5203 - Telecommunications	\$4,649.40
3102-1002 - Regular Overtime	\$ 331.37

12. Two-For-Life: Please approve supplemental appropriation for the Two-for-Life fund.

3203-5607 - Two-For-Life	\$202.50
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13. County Administration: Please approve supplemental appropriation reflecting a rebate paid by a vendor due to an overcharge:

1201-3005 – Maintenance Service Contract	\$548.05
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14. Asset Forfeiture Account: Please approve supplemental appropriation to the Asset Forfeiture Account: \$5,500.00

LINE ITEM TRANSFERS:

15. Landfill: Please approve the following line item transfer:

4204-3002 – Professional Services	DELETE	\$ 20,000
4204-3004 – Repair and Maintenance	ADD	\$ 20,000

Mr. Moore made a motion, seconded by Mr. Craft, to approve the **Consent Agenda** as presented with revisions to the minutes as noted.

Mr. Carter next called attention to the **INFORMATIONAL ITEMS: (Items 16-198)**

16. **Virginia Cooperative Extension:** Report of Extension programming in Appomattox County for calendar year 2003.
17. **Appomattox Town Council Agenda:** Agenda for Town Council meeting of 2-24-2004.
18. **Virginia's Retreat 2003 Annual Report:** 2003 Annual Report from Virginia's Retreat, a tourism consortium comprised of twelve counties and the City of Petersburg.
19. **Building Maintenance Request/Lights on Library Request:** Facilities Foreman Barry Watkins is working with contractors to update their prices for painting the various County buildings. He is also pricing new exterior doors and interior floor tiles for Social Services. Mr. Watkins is also working with those interested in lighting Watt Abbitt Park. A report should be ready by the next meeting.

Mr. Carter next called for **SUPERVISOR CONCERNS:**

Mr. Craft gave a brief report on the meeting with the Rescue Squad Personnel. The Squad has a membership of approximately 40. Thirteen (13) of them are able to take day calls. It has become increasingly difficult for members to leave their places of employment to run calls. They discussed having a paid day-time crew, charging for each run they make. Personnel feel they get a lot of unnecessary calls for assistance, assistance that could have been provided by friends, and/or neighbors. More meetings will be held in the future

Mr. Carter then advised the Board that a closed session was necessary in accordance with §2.2-3711 A. 1 of the Code of Virginia for the purpose of discussion of personnel matters.

At 7:34 p.m. Mr. Craft made a motion, seconded by Mr. Conrad, to enter into a closed session in accordance with §2.2-3711 A. 1 of the Code of Virginia for the purpose of discussion of personnel matters: consideration of employing a County Administrator and performance of a employee. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 8:10 p.m. the Board returned to regular session.

Mr. Carter called for a brief recess.

At 8:12 p.m. Mr. Conrad made a motion, seconded by Mr. Conrad to enter into another closed session in accordance with §2.2-3711 A. 1 of the Code of Virginia for the purpose of discussion of personnel matter – performance of an individual employee. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 8:19 p.m. the Board returned to regular session where Mr. Carter read the following certifying resolution:

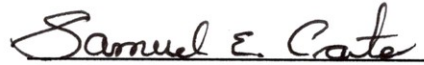
WHEREAS, this Board convened in a closed meeting under § 2.2- 3711 A. 1.– of the Code of Virginia, for the purpose of discussing personnel matters: consideration of employing a County Administrator and performance of two (2) individual employees.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

At 8:20 p.m. Mr. Craft made a motion, seconded by Mr. Conrad to adjourn. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


Samuel E. Carter, Chairman

On Thursday, March 4, 2004 the Appomattox County Board of Supervisors held a Special Called meeting at the Office of the County Administrator located on Morton Lane, Appomattox, Va.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Thomas H. Conrad – Falling River District
Mr. Russell H. Moore – Piney Mountain District

ABSENT: Mr. Shawn A. Armburst – Wreck Island District
(Out of Town – Waived Rights to Notice)
Mr. William H. Craft – Appomattox River District

ALSO PRESENT: Mr. John K. Spencer – Interim County Administrator

At 5:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

At 5:35 p.m. Mr. Carter stated it was necessary to enter into a closed session in accordance with §2.2 – 3711 A. 1 - Personnel Matters - of the Code of Virginia for the purpose of consideration of employment of a County Administrator.

Mr. Moore made a motion, seconded by Mr. Conrad, to enter into a closed in accordance with §2.2 – 3711 A. 1 - Personnel Matters - of the Code of Virginia for the purpose of consideration of employment. VOTE: Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye; (3 aye votes, 2 absent)

At 5:47 p.m. Mr. Conrad made a motion, seconded by Mr. Moore, to return to regular session. VOTE: Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

Mr. Carter then read the following certifying resolution:

WHEREAS, this Board convened in a closed meeting under § 2.2 – 3711 A.1 – Personnel Matters – of the Code of Virginia, for the purpose of consideration of employment.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Conrad, aye, Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent).

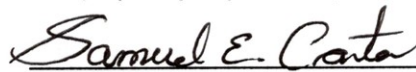
Mr. Carter asked if there was any business to be discussed as a result of the closed session.

Mr. Conrad made a motion, seconded by Mr. Moore, to appoint Ms. Aileen Ferguson to the position of County Administrator of Appomattox County effective on March 26, 2004. VOTE: Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)

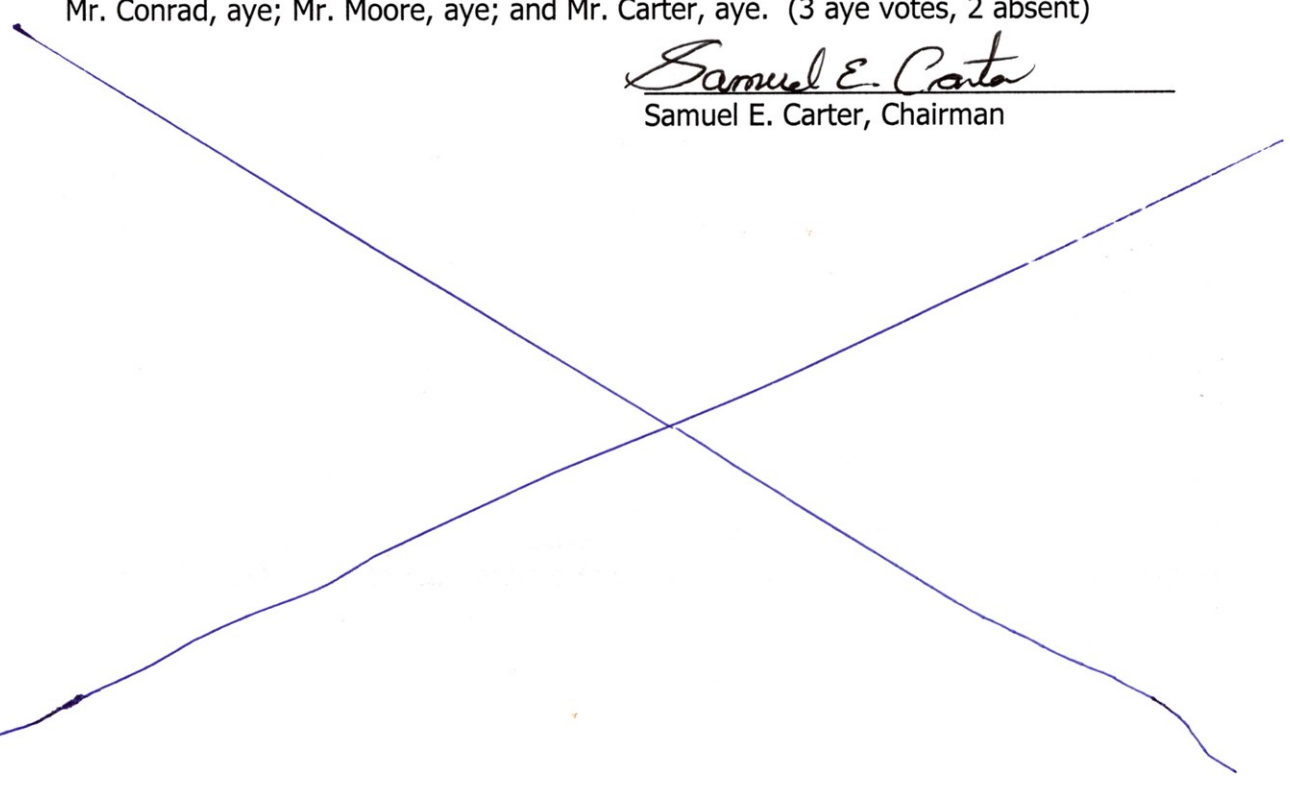
Mr. Carter congratulated Ms. Ferguson, and stated that the Board of Supervisors was very pleased to have her as County Administrator. The County has a lot of challenges ahead and with her leadership abilities and her professionalism, we will go forward in the best interest of the citizens of Appomattox County.

Mr. Carter asked if there was any other business to be discussed.

At 5:49 p.m. Mr. Conrad made a motion, seconded by Mr. Moore, to adjourn. VOTE: Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye. (3 aye votes, 2 absent)



Samuel E. Carter, Chairman



On Monday March 15, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Hall located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Thomas H. Conrad – Falling River District
 William H. Craft – Appomattox River District
 Russell H. Moore – Piney Mountain District

ABSENT: Shawn A. Armbrust – Wreck Island District

ALSO PRESENT: John K. Spencer – Interim County Administrator
 Aileen T. Ferguson – County Administrator Elect

At 6:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

Setting of the Agenda: Mr. Carter stated he had three (3) items he wished to add to the agenda for tonight.

Add under Administrative Items:

- #3 – Clarification on State Route 721 and 671 near Stonewall – Abandonment.
- #4 - Letter to Legislators on Budget Impact.
- #5 - Reappointment of member to Board of Zoning Appeals.

Mr. Carter next called for **Citizen Comments:**

Mr. Wayne Phelps stated he had a couple of things he wanted to bring to the Board's attention at a time when we are trying to promote tourism. He passed out some literature.

1. Eldon – This is one of those homes that could be made an excellent tourist attraction. He passed out a hand-out containing a brief history on this home. It is his understanding that this home is in escrow at the present time and could be a golden opportunity for the County to act on this property.
2. The Open House planned by John Wilson of his home "The Nebraska House".
3. The remodeling of the museum is progressing nicely. They hope to reopen by the end of the month.
4. He is in possession of seven (7) lights fixtures that came out of the Old Red Oak Baptist Church building, probably 1930-1940 vintage. He would like to donate these to the County for use in the Old Courthouse. These would tend to give the Courtroom a more original look. These fixtures have been appraised at approximately \$150 to \$200 each.

Mr. Carter stated this last item should be turned over to the Courthouse Committee for consideration.

At 6:40 p.m. Mr. Carter called **Ms. Anne Dixon, Director of Parks, Recreation and Tourism** to address the Board.

Ms. Dixon began by passing out a report that was not completed in time to be placed in the Board Book. Ms. Dixon informed the Board that they are in the final stages of

developing the Appomattox County Tourism Brochure. Ms. Debbie Powell has presented this to the Town Council. Hopefully, this will be printed by the end of next month.

Ms. Dixon also updated the Board on the activities of the Department of Parks & Recreation as well as the rental report for the Community Center.

Mr. Carter thanked and excused Ms. Dixon

Mr. Carter next called Mr. Bill Gillespie, Region 2000 Regional Commission, to address the Board. Mr. Gillespie will discuss a planning process involving the old Elementary School and surrounding features.

Mr. Gillespie has submitted a Proposed Joint Study Appomattox Town and County, Department of Housing and Community Development Regional Planning Grant.

Mr. Gillespie stated that in January the Board asked the Regional Commission to find any potential grants that were available to help fund the conversion of the Carver-Price Elementary School into a museum. That same month the Town of Appomattox expressed interest in purchasing a site that was noted for being the last battle of the Civil War before the surrender in April 1865, and including this site in the National Park Service.

The Regional Commission has submitted some observations and recommendations for the Board's consideration.

Mr. Carter reminded everyone that in 2003 the Board decided that the Old Elementary School would be considered as an educational center, directly involved with Central Virginia Community College and the Carver-Price Alumni Association. Pursuing grant monies for the development of this property is the right road to take at this time.

The Board by consensus agreed to hold a planning meeting on April 6th with Mr. Todd Christianson.

Mr. Carter stated the next item for consideration was the **ADMINISTRATIVE AGENDA:**

Board Appointments:

1. **Library Board:** It has been requested that Ms. Dianne Wright be appointed to replace Mr. Thomas Chalfont from the Courthouse District with a term ending June 30, 2006.

Mr. Carter stated that Mr. Chalfont was leaving the Board for health reasons and that Ms. Wright was a frequent visitor to the Library and would be an excellent addition to this Board.

Mr. Carter made a motion, seconded by Mr. Craft, to appoint Ms. Dianne Wright from the Courthouse District to the Library Board for a term ending June 30, 2006. VOTE:

Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. **Social Services Board:** Richard Martin, Director of Social Services, has requested that Ms. Judy Covington be appointed to the Social Services Board for a four (4) year term.

Mr. Craft stated he has known Ms. Covington from her participation with the Habitat for Humanity Program and feels she would make an excellent member of this Board.

Mr. Conrad made a motion, seconded by Mr. Craft, to appoint Ms. Judy Covington to a four year term on the Social Services Board. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

3. **Clarification of State Route 721 and 671 Abandonment:** Mr. Conrad stated this proposed abandonment had been discussed at previous meetings and the Board was under the impression that all the land involved in this area was owned by Mr. Mirra. After visiting the site with Mr. Craft, they discovered this was not the case. The other property owners were not interested in selling their land and these two (2) roads were an integral part of getting to their property. Mr. Conrad then contacted Mr. Thomas Lawson, attorney for Mr. Mirra, and Mr. Mirra has withdrawn his petition to have these two (2) roads abandoned.

4. **Letter to Legislators on State Budget Impact:** VACo has requested that a letter be sent to our local legislators and local newspapers, outlining how the lack of a State Budget impacts our budget preparations and tax rates for FY 2005.

Mr. Moore made a motion, seconded by Mr. Conrad, to have Mr. Spencer write a letter to our local legislators expressing our concerns regarding the impact of not having a State Budget on preparations of our FY2005 budget. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

5. **Reappointment of BZA Member:** The term of Susan Hudson on the Board of Zoning Appeals is about to expire. Ms. Hudson is willing to serve another term and staff advises the Board to recommend her reappointment to the Circuit Court Judge.

Mr. Moore made a motion, seconded by Mr. Conrad to recommend Ms. Susan Hudson be reappointed to the Board of Zoning Appeals. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next presented the **CONSENT AGENDA: (Items 3-9)**

3. **Approval of the Bills:** Please approve bills as presented for payment.
4. **Approval of Minutes:** Please approve minutes of Regular Meeting of 2-17-04; Joint Meeting with School Board of 2-23-2004; Special Meeting of 2-26-2004; Regular Meeting 3-1-2004 and Special Called Meeting of 3-4-2004.

SUPPLEMENTAL APPROPRIATIONS:

5. **Sheriff's Department:** Please approve supplemental appropriations for reimbursement for working after-school activities:
3102-1002 Overtime \$417.41
6. **Landfill:** Please approve supplemental appropriations for monies received from VML Safety Grant:
4204-5413 \$500.00
7. **J. Robert Jamerson Memorial Library:** Please approve supplemental appropriations for monies received from fees and donations.
7301-5401 \$178.57
7301-5411 \$379.55
7301-5415 \$100.00
8. **Appomattox County Public Schools:** Please approve supplemental appropriation:
\$6.44 for the Athletic Fund for March 2004.
\$8,097.41 for reimbursement of amounts which have been expended for operation of the old elementary school for use as court and recreational facility.
9. **Appomattox County Social Services:** Please approve transfer in the amount of \$10,000 from the Revenue Maximization Fund to Appomattox County Social Services Special Welfare Account to pay for the "Behind the Wheel" Drivers Education Program.

Mr. Craft made a motion, seconded by Mr. Conrad to approve the Consent Agenda as presented. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

10. **Letter from the Appomattox County Branch of the National Association for the Advancement of Colored People:** Letter listing the Organization's Aims and Purposes, Officers and Focus for 2004.
11. **Appomattox Town Council:** Agenda for Town Council Meeting March 8, 2004.
12. **School Board Financial Report:** Financial report for the month of April, 2004.
13. **Workforce Investment Board:** Governor Warner has announced that Appomattox County will become a part of the Region 2000 Workforce Investment Board effective July 1, 2004. This decision was made based on the fact that we are already a vital part of Region 2000. Appomattox had previously been a part of the South Central District.

Mr. Moore explained that at the time we joined the South Central District Workforce Investment Board they were already an established group and the Region 2000 group had not been formed.

Mr. Carter then asked if there was anything to be discussed under **Supervisor Concerns.**

Mr. Carter reminded the Board Members of the upcoming meetings:

Joint Meeting with Town Council

Thursday, March 25, 2004

5:30 p.m.

Town Office

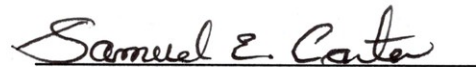
Regular Meeting and Public Hearing

Monday, April 5, 2004

6:30 p.m.

Appomattox County High School Cafeteria

At 7:22 p.m. Mr. Moore made a motion, seconded by Mr. Conrad to adjourn. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


Chairman

On Tuesday, March 25, 2004 the Appomattox County Board of Supervisors held a joint meeting with the Appomattox Town Council in the Council Chambers at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District

Thomas H. Conrad – Falling River District

William H. Craft – Appomattox River District

Russell H. Moore – Piney Mountain District

ABSENT: (Board of Supervisors)

Shawn A. Armburst – Wreck Island District

PRESENT: (Town Council)

Ronald Spiggle – Mayor

W. H. Carson

Norman Mayberry

Marvin Mitchell

Lewis McDearmon

Joyce Bennett
Steve Lawson

ALSO PRESENT:

Aileen T. Ferguson – County Administrator Elect
John K. Spencer, Jr. – Interim County Administrator
Johnny Overstreet – County Attorney
David Garrett – Appomattox Town Manager
Bill Phillips – Town Attorney
William Slagle – Chairman, Appomattox Industrial Authority
Wayne Lewis – Appomattox Industrial Authority

At 6:00 p.m. Mr. Carter called the Board of Supervisors meeting to order.

Mayor Spiggle called the Town Council meeting to order.

Mr. Carter stated this was a joint meeting of the Appomattox County Board of Supervisors and the Appomattox Town Council to discuss various topics that are very prudent to the future and that this was not a public hearing.

Mr. Carter then called for the first item of discussion on the Agenda.

1. **460 Waterline:** Mr. Carter stated an indepth study was conducted by Wiley & Wilson and from that study various suggestions as to how Appomattox should proceed in obtaining water for the County. From these suggestions, it was decided the 460 waterline was the best option.

Mr. Carter introduced Mr. Bill Gillespie, of the Region 2000 Regional Commission, who laid out the steps we need to take, including the establishment of a Public Service Authority (PSA); Joint Operation with County & Town; the pro's and con's of purchasing water from another locality. Mr. Gillespie stated under this proposal you could take another year to flush out all of this and see where you really want to go and what mechanics are needed to get you there and also the funding options that are available. There are also some land use issues between Appomattox and Concord.

Mr. Spiggle stated that he, Mr. Spencer, and Mr. Garrett had met with Don Wampler of DEQ and Dale McAdams with the EPA and that EPA would be the funding agency. Mr. Spiggle said that we need to have a champion to spearhead the project and work full time. He would like to engage the Regional Commission to administer the project and find money.

Mr. Garrett stated this has been recommended to both Boards.

There was some discussion regarding how Lynchburg & Campbell County feel about this. According to Mr. Gillespie, they both are willing to assist us in this endeavor.

Mr. Conrad raised the question of impoundment. How many jobs would be created and what a water treatment facility would cost.

Mr. Spiggle replied the Lynchburg line was a quick fix. The permitting process for impoundments on river intakes are lengthy and tough. Rules of the game are constantly changing in running a water system. Testing is very expensive and water is not a money making enterprise. It could take years to get this done.

Mr. Spiggle also stated that a Public Service Authority needs to be established to get some solid financial support. The grant funds from Representative Goode's office need to be spent now. This one (1) million dollars is divided equally between the Town and County with each locality providing \$25,000.00 in matching monies for a total of \$50,000.00.

Mr. Carter stated the Board of Supervisors needs to take action on endorsing the Regional Commission to administer the funding efforts on behalf of the County and Town. This item should be placed on the agenda for their next meeting on April 5, 2004.

Mr. Carter called for discussion on the next item on the agenda.

2. **Public Service Authority:** Mr. Garrett informed the joint group that the PSA goes along with the waterline. Several water line funding sources would prefer that we form a PSA. The one million dollar grant we received through Congressman Goode's office suggests that we form a PSA immediately. The applicants name should be the eventual owner. Mr. Garrett distributed a handout of the information gathered by the committee.

There was some discussion regarding the formation of a PSA. It would be prudent to have one entity serving all. The law provides that any loans made to the PSA are not the responsibility of the County or the Town. It was the consensus from both groups to go ahead with the forming of the PSA.

A Waterline Committee was established consisting of David Garrett, Lewis McDearmon, Samuel Carter and Aileen Ferguson.

3. **Rescue Squad:** There has been some problems recently with the answering of day time calls. Businesses no longer are willing to allow squad members to leave work in order to answer calls. Connie Purvis with BREMS recently sent Mayor Spiggle a profile of what insurance companies and Medicare will pay for calls if billed. Billing will not effect our volunteer status. This problem is not only true for Appomattox, other counties are experiencing the same. Suggestions were: billing for runs, we could hire 4 – 6 permanent staff to supplement the volunteers; sell insurance cards for \$50.00 whereby holders could be transported free of charge, for a set length of time, maybe one year.

Mrs. Ferguson stated that they recognize there are some areas they have problems with. These areas are very early in the morning when you know you

cannot take a 5 or 6 o'clock call and get back in time to get to work. They, the Rescue Squad, are looking for a solution. The reason they volunteer is to serve the people of the County and give them the best care possible. Charging for runs will not help the problem. It will not cut down on the number of runs.

Other points of discussion were: 1) contacting surrounding counties to see how their paid crews are working; 2) squad members collectively gathering thoughts and feed back to the Rescue Squad Committee. This committee will probably meet again the second week in April.

Mr. Spiggle suggested that the Board of Supervisors and the Town Council agree to meet together at least once a quarter.

4. Old Elementary School:

- A. CVCC Satellite Campus:** Meeting with Todd Christianson has been confirmed for April 6, 2004. There is great progress being made to keep the existing structure intact without it becoming an eyesore for the County and Town. Along these lines plans are being made to establish a CVCC Satellite Campus and the Carver-Price Museum, along with other entities that will make good use of this facility.

We are pursuing grants in two (2) different areas. DHCD/CDBG grants. We need to progress forward in order to receive these grants.

Mr. Carter recognized and thanked Blair Smith for his time and efforts in helping with this project.

B. Battlefield - Property located behind Old Elementary School:

Mr. Spiggle informed those present that a grant application has been submitted for the property and Congressman Goode's office is interested in helping us with the battleground portion of this property. Mr. Spiggle stressed the importance of the April 6th meeting. We need to have lots of support for this project at the meeting. DHCD needs to sense a consensus and a willingness to work together. The Park Service may be willing to put an interpretive person at the battlefield. The Virginia Tourism Corporation is also very much interested in this battlefield. Ralph Earnhart has informed Mr. Spiggle of the possibility of a land acquisition grant. This would require the purchaser be a non-profit organization. The Chamber of Commerce is interested in establishing a foundation.

Mr. Spiggle stated that we have a lot of history to offer the rest of the country and we need to utilize this. We can become as important as Williamsburg, Gettysburg and Yellowstone Park, we just need to sell ourselves.

Both the County and Town need to take official action requesting the National Historical Park to put the battlefield in their Master Plan.

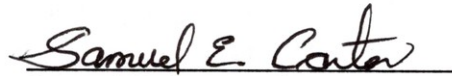
Mr. Garrett thanked Mr. Bill Gillespie for his attendance and input into tonight's meeting.

The suggestion was made that the Town and County consider holding these joint meetings on a quarterly basis. Mr. Bill Phillips suggested that we continue to hold them on Thursday evening. June 17, 2004 was selected as the next meeting date.

Mr. Carson stated that at a recent Town Council meeting they had two young people to appear and inform them of what they had intended to do at the Longacre Bed and Breakfast and that they had purchased the old hardware and the adjacent store buildings and what they have in mind for these old buildings. He would like everyone to visit Longacre and get acquainted with these young people. They really have some good ideas and are really interested in our community.

At 7:34 p.m. Mr. Craft, made a motion, seconded by Mr. Conrad to adjourn the Board of Supervisors meeting. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carson made the motion, seconded by Mr. Mitchell to adjourn the Town Council meeting.


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, April 5, 2004, the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Cafeteria, Appomattox County High School, located on Route 727, Appomattox, Va. 24522

PRESENT:

Samuel E. Carter, Chairman - Courthouse District
Shawn A. Armbrust - Wreck Island District
Thomas H. Conrad - Falling River District
William H. Craft - Appomattox River District
Russell H. Moore - Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson - County Administrator

John K. Spencer, Jr. – Assistant County Administrator
Johnny Overstreet – County Attorney

Mr. Carter called the meeting to order and gave the invocation.

Setting of the Agenda: Mr. Carter asked if any members had anything to present at this time. Hearing none, Mr. Carter moved to the next item on the Agenda.

Citizen Public Comment Period: Mr. Carter stated that this time is allotted to allow citizens to discuss issues that are of importance to the community or the citizens. Issues involving the Rifle Ordinance will not be heard at this time, but will be addressed during the Public Hearing scheduled for 7:00 p.m.

Mr. James Pillow of Route 1, Box 270, Appomattox, Va. came forward. Mr. Pillow stated he had a letter, regarding the rescue squad, written by a neighbor that was unable to attend the meeting. The letter began, "I support the rescue squad and the rescue squad needs the support of the people. The current rescue squad needs funds to better serve our county. Without help our volunteers don't have the opportunity they need to help our county. Donations are necessary for support. We have a good county, good citizens, law enforcement, good schools and doctors, good fire and rescue personnel who support our county and make sure we have a safe and enjoyable place to live and raise our families. We have a lot of opportunities that come with a cost. Both men and women pay taxes, buy county stickers and pay fees for the opportunity to live and drive in Appomattox. I support these facts, and think all people in Appomattox do so as well. The County and the Board of Supervisors try to do a good job and I think the Board should pass a series of stickers and permits to pay for our rescue squad. It is possible to open opportunities for outdoors people, both men and women, to have the opportunity to get out and enjoy hunting with family, friends and neighbors. Many do not have the desire to hunt, but enjoy the opportunity to get out and enjoy our county. Hunting is already regulated by State Regulations and we have Game Wardens who do a good job enforcing these laws. We all know hunters do not shoot people on purpose or destroy property or wish harm to people. Sell stickers for \$10.00 - \$25.00 to hunters who want to use high powered rifles and give the money to the rescue squad. I think most hunters would step up and support the rescue squad."

Mr. Pillow stated that he would like to add that he feels the Retirement Community for senior citizens, proposed for Route 26, would put a greater burden on our rescue squad and create a longer response time to those making calls. We need to do something before lives are lost.

Mr. Carter asked if anyone else wished to address the Board.

Mr. Carter next asked **Mr. Freddie Godsey – Sheriff's Department** to address the Board. Mr. Godsey is appearing before the Board to request approval for participation on a regional grant application, requiring a 25% match, that will allow regional law enforcement agencies to share data. If approved, this amount will be included in the FY2005 budget.

Mr. Godsey stated that this will be a regional data sharing project. The cost to the County, at the present time, appears to be around \$6,500.00. This will include a file server, computer, training, and ongoing VCIN capabilities.

Mr. Carter informed Mr. Godsey that the Board would get back to him on this matter. He then thanked and excused Mr. Godsey.

Mr. Carter called the Board's attention to the next item on the Agenda - **ADMINISTRATIVE ITEMS: (Items 1-8)**

2. **Courthouse Telecommunications System:** Due to the critically short time period before the court-ordered courthouse completion date, Craddock-Cunningham has agreed to investigate designing the telecommunications system under the "other tasks" component of their existing architectural contract. They have solicited proposals from two potential sub-consultants interested in designing, but not selling or installing, the equipment necessary to handle voice, data and video communications. Craddock-Cunningham would bill the County for the sub-consultant's services as indicated in the chosen proposal plus would bill for their staff time on an hourly basis.

It is recommended that the Board formally request Craddock-Cunningham to assume responsibility for designing the courthouse telecommunications system on a per-hour cost basis. It further recommends that the Board authorize Craddock-Cunningham to accept the proposal submitted by Telecom Management Group (TMG), at a cost of \$18,165.00 + travel expenses. Though more expensive than the other firm, TMG submitted a more comprehensive proposal and documented extensive experience with other county courthouse projects and the Virginia State Courts.

Mr. Conrad stated that since we are required to have the courthouse completed by a certain deadline, he feels we should consider this proposal.

Mr. Craft made a motion, seconded by Mr. Conrad to accept Craddock-Cunningham's proposal to have Telecom Communications Group (TMG) design the telecommunications system for the new courthouse at a cost of \$18,165.00

plus travel expenses and pay Craddock-Cunningham on an hourly basis for their staff's time. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 3. Proclamation Recognizing Victims Rights Week:** Mrs. Freshwater, Victim-Witness Coordinator, is requesting the Board adopt a proclamation recognizing the week of April 18-24, 2004 as Victims Rights Week.

Mr. Moore made a motion, seconded by Mr. Conrad, to adopt the following proclamation:

PROCLAMATION

Whereas, we as a nation recognize crime victims' suffering, struggles and loss, and value them as our family members and friends, neighbors and co-workers who have been harmed by crime; and

Whereas, we as individuals and communities value core rights for crime victims that allow them to participate in justice processes with rights to information, protection, restitution, and to be heard; and

Whereas, we value the critical assistance and services that provide for crime victims' basic needs, such as fair treatment, dignity, respect and information, and the life essentials, such as safe housing, food, support for their children, transportation, counseling and medical services; and

Whereas, we value those among us who work on behalf of crime victims to not only improve rights, services and treatment of victims of crime, but to also build a better and more just community and country; and

Whereas, we value our right to be free from violence, to be safe in our homes and to live in peace in our communities; and

Whereas, America as a Nation values liberty and justice for all, including efforts to protect, enhance and expand crime victims' rights and services; and

Whereas, America has joined together annually for the past 24 years to recognize the needs and rights of crime victims and survivors;

Therefore, be it resolved, that **Appomattox County** proclaims the week of April 18-24, 2004 to be Appomattox County, Virginia Crime Victims' Week and honors crime victims and those who serve them during this week and throughout the year;

And be it further Resolved, that as individuals, as communities and as a nation, we continue to value crime victims and survivors, and to value justice in our nation that includes and involves crime victims.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. Permit Applications for Musical or Entertainment Festivals:

- a) **Cross Country Hunt Club:** Cross Country Hunt Club of Evergreen is requesting permission to hold turkey shoots from April 3, 2004 to March 31, 2005, and that the bond requirement be waived. These activities will take place on Saturdays between the hours of 12:30 p.m. and 6:00 p.m. Sheriff Staples has assured staff that they have no problems with this activity.
- b) **Stonewall Antique Power Association:** Stonewall Antique Power Association is requesting a permit to hold their annual show and swap meet the weekend of May 15 and 16, 2004, and that bond requirement be waived. Activities will take place between 9:00 a.m. and 5:00 p.m. each day. Sheriff Staples has assured staff that they have no problems with this activity.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the requests for the Cross Country Hunt Club to hold turkey shoots on Saturdays from April 3, 2004 to March 31, 2005 and the Stonewall Antique Power Association's request to hold a two day annual show and swap meet on May 15 & 16, 2004. Also the bond requirements for both of these requests be waived. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

5. Region 2000 Regional Commission Spring Dinner Meeting: This year's dinner meeting will be held on April 15, 2004 at the Holiday Inn Select on Main Street, Lynchburg. The cost is \$27.00 per person. Does anyone wish to attend?

Anyone wishing to attend this dinner meeting please notify the County Administrator.

6. 460 Waterline/Public Service Authority: At the Joint meeting of the Appomattox Town Council and the Appomattox County Board of Supervisors it was discussed as to the best way to proceed with the waterline project and the establishment of a Public Service Authority. It was determined by both governing bodies that there was a need for one person to take this project on full time in order to progress at a reasonable pace. The consensus of both bodies was that the Region 2000 Regional Commission would be the best group to proceed with these efforts on behalf of the Town and County. Staff is requesting that the Board take official action to engage Region 2000 Regional Commission to proceed with the 460 Waterline project and the development of a PSA. The approximate cost would be \$50,000.00 divided equally between the two localities.

Mr. Carter reminded the Board that at the joint meeting with the Town Council and based upon the water study done by the consulting firm hired to do this study, both governing bodies agreed to endorse whatever was necessary to move this project along.

Mr. Conrad made a motion, seconded by Mr. Craft, to proceed with authorizing Region 2000 Regional Commission to do the ground work pertaining to the 460 Waterline project. Vote: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye; (5 aye votes)

- 8. County Attorney:** Mr. Overstreet is requesting the Board pay his registration fee to attend the LGA Spring Conference in Roanoke. He feels this is a worthwhile conference. There are funds in the budget that may be used for this purpose.

Mr. Craft made a motion, seconded by Mr. Moore, to approve Mr. Overstreet's request to attend the LGA Spring Conference in Roanoke April 22nd thru 24th, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7. Joint Meeting with the School Board:** The School Board is requesting a meeting to discuss their budget for FY2005. They have suggested either April 5, or April 26 at 6:00 P.M. Considering the fact that the public hearing on the Rifle Ordinance has been scheduled for April 5th, staff has recommended that this meeting be held on April 26, 2004.

It was the consensus of the Board to meet with the School Board at 6:00 p.m. on Thursday, April 26, 2004 to discuss the FY2005 school budget.

Mr. Carter next called for action on the **CONSENT AGENDA: (Items 9 – 18)**

- 9. Approval of Bills:** Please approve bills for payment as presented.
10. Approval of Minutes: Please approve minutes of regular meeting on 3-15-2004 and Joint Board of Supervisors & Town Council meeting on 3-25-2004.

SUPPLEMENTAL APPROPRIATIONS:

- 11. Appomattox County School Board:** Please approve supplemental appropriation in the amount of \$416.46 for expenses incurred at the old elementary school while being used by the County as a court and recreation facility.

Also appropriate funds deposited with the Treasurer for the period of January 2004-March 2004 for dental insurance premiums paid by employees. This is pass through money only.

- 12. Sheriff's Department:** Please approve supplemental appropriation for reimbursement received from insurance for repairs done to vehicle:
3102-5408 (Vehicle Power Equipment Supplies) \$2,661.23

Please appropriate request for grant funds received to purchase in-car video systems:

3102-7001 (Equipment) \$24,534.00

Please appropriate request for inmate medical expenses incurred during this fiscal year:

3301-3001 (Professional Health Services) \$15,000.00

Please appropriate request by Emergency Services Coordinator for grant funds received from State. These funds were equally distributed to the four (4) emergency response agencies in the County for the purchase of equipment:

3605-7001 (Equipment) \$27,187.22

- 13. Appomattox Chamber of Commerce Reenactment Committee:**

Please approve supplemental appropriation for 2004 reenactment:

8105-6004 (Tourism) \$3,500.00

- 14. County Administration:** Please approve supplemental appropriation for refund received from Sands, Anderson, Marks & Miller for overpayment:

1204-3002 (Professional Services) \$3,948.25

- 15. Magistrate:** Please approve supplemental appropriation to cover telephone expenses for the remainder of FY2004:

2130-5203 (Telecommunications) \$360.00

Also, please approve supplemental appropriation to cover replacement of an aging typewriter:

2130-7002 (Equipment) \$125.00

FUND TRANSFERS:

- 16. Sports Complex Fund:** Please approve transfer of funds requested by Mrs. Dixon for material and equipment used in seeding ball fields at the new park:

7101-7000 (Capitol Outlay) \$3,046.50

- 17. Comprehensive Services:** Please approve transfer of \$1,250.00 from the CSA Administrative fund to the General Fund for contracted CSA Coordinator Services.

- 18. County Administration/Zoning & Subdivision:** Please approve line item transfers requested by the County Administrator due to increases given to the Assistant County Administrator and the Building Inspector to compensate for additional responsibilities assigned to these positions:

8104-1001 (Salaries)	Transfer	\$3,250.00
8104-2001 (FICA)	Transfer	249.00
8104-2002 (VRS)	Transfer	357.50
1201-1001 (Salaries)	Add	\$1,500.00
1201-2001 (FICA)	Add	114.75
1201-2002 (VRS)	Add	165.00
3401-1001 (Salaries)	Add	1,750.00
3401-2001 (FICA)	Add	134.25
3401-2002 (VRS)	Add	192.50

Mr. Conrad made a motion, seconded by Mr. Moore, to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS: (Items 19-23)**

- 19. School Board Financial Report:** Appomattox County Public Schools financial report for the month of March, 2004.
- 20. Appomattox Town Council:** Agenda for Town Council meeting of March 23, 2004.
- 21. Robert E. Lee Soil & Water Conservation District:** Minutes of the Board of Directors meeting of February 26, 2004.
- 22. Appomattox County School Board:** Revised calendar of School Board meetings for the remainder of 2004.
- 23. SUPERVISOR CONCERNS:** Mr. Carter asked if any one had a concern they wished to discuss at this time.

Mr. Moore stated that in the construction of the new courthouse, there are change orders that come up which need to be acted upon prior to the next Board Meeting. Most of these items are relatively small and he is asking the Board's permission to allow him to approve these small change orders when they arise. September is fast approaching and we cannot afford to lose time in getting these things done. A report would be given at the next Board meeting.

Mr. Craft stated he trusted Mr. Moore's judgment and was in favor of granting him blanket authority to handle these matters.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to allow Mr. Moore to approve change orders on the new courthouse as necessary. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes).

Mr. Carter reminded everyone of the upcoming meetings:

Tuesday, April 6, 2004
Public Meeting on the Old Elementary School
Old Appomattox Elementary School Gymnasium
6:00 P.M.

Monday, April 19, 2004
Regular Meeting
Appomattox Town Office
6:30 P.M.

Monday, April 26, 2004
Joint Meeting School Board
School Board Administration Building
6:00 P.M.

At 6:55 p.m. Mr. Carter recessed the meeting until after the Public Hearing on the Rifle Ordinance.

At 7:00 p.m. Mr. Carter opened the Public Hearing on Rifle Ordinance and stated that anyone who wished to speak but had not signed up, could do so at this time.

Mr. Carter gave the format for addressing the Board as follows:

1. Each speaker will be allowed three (3) minutes, when signaled that your time is up, you will be allowed 30 seconds to close your presentation.
2. Audience will please refrain from talking, heckling or otherwise interrupting while someone is speaking. This is a public meeting where everyone has the right to express his/her own feelings regardless.
3. When addressing the Board, please state your name and address for the record.

Mr. Carter then called the first speaker.

Ms. Jane Moore, of Lee Grant Avenue, Appomattox, Va.

Ms. Moore is opposed to the use of rifles. She came for Albemarle County which is a rifle community and she knows that Appomattox is flat and open compared to Albemarle. She had and still has reservations about rifles being used for hunting. Ms. Moore related an incident where a hunter missed his target and a woman sitting on her front porch with her husband was struck and killed. Even though she lived in a highly elevated area, she did not allow her children to go outside during hunting season. If someone had fired below her, and missed the target, the bullet could have come through the yard and hit her, her children or any of several domestic animals she had at the time. She is asking that before this ordinance is passed, think long and hard because we are an open community without many woods and not many mountains. Thank you.

Mr. Steven Selenski, Route 24, Appomattox, Va.

Mr. Selenski lives on the Appomattox/Buckingham County line. He also operates a business on Main Street in downtown Appomattox. Mr. Selenski is opposed to the use of rifles higher than a .22 caliber. Mr. Selenski stated that there has been a war of terror going on for one and one-half years. Some believe this is a war between Christians and Muslims. He stated we have a Muslim community located in Red House. He is opposed to the use of high-powered rifles for hunting purposes.

Mrs. Ellen Jamerson, Route 727, Appomattox, Va.

Mrs. Jamerson thanked the Board for allowing her to speak against the rifle ordinance one more time. Tonight she is going to focus on statistics. Mrs. Jamerson provided each member of the Board with a copy of an e-mail she received from Mr. Reynolds of the Commission of Game & Inland Fisheries. She lives only a few miles out of town on Route 727 and on Saturday afternoon she heard gunfire in her area and this has happened before. She is concerned about her safety and the safety of her property. We must protect the rights of "non-hunters" and their property also. Mrs. Jamerson quoted some of the statistics: There were 19 fatal accidents involving shotguns in Virginia during the last nine or ten years; 350 non-fatal accidents. There were 22 fatal accidents involving rifles and 67 non-fatal accidents. The non-fatal accidents are much lower with rifles but the fatal accidents are much higher. There were 10 fatal and 31 non-fatal accidents involving muzzle-loading firearms. It was also her understanding that blaze orange was not required during muzzle-loading season. She concludes from these statistics that hunting with rifles is certainly less safe than hunting with shotguns. She would like for one of the Board to tell her why they feel hunting with rifles is safer than hunting with shotguns. Mrs. Jamerson also stated some hunting regulations regarding posted property. Mrs. Jamerson is opposed to approving the Rifle Hunting Ordinance.

Mr. Carter informed Mrs. Jamerson that her question to the Board would be handled at the end of the public hearing.

Mr. Donald Carrico of Route 705, Appomattox, Va.

Mr. Carrico stated a right is a precious thing for all of us to have and to gain a right means a lot. He is in favor of hunting with rifles larger than .22 caliber.

Mr. Gregg Totty –

Mr. Totty asked that everyone pray for his 3 minutes.

Mr. Jimmy E. Vassar, Stonewall District, Appomattox, VA. –

Mr. Vassar is in favor of allowing hunting with rifles larger than .22 caliber in Appomattox. We are not terrorists - we are sportsmen, neighbors and friends. Hunters in Appomattox County will be just as responsible during the deer season as they are any other time.

Mr. Randy Foster, Spout Spring, Va.

Mr. Foster began by saying they have been circulating some letters to landowners in the county, trying to get a feel for how they feel regarding the rifle ordinance. The support has been overwhelming throughout the County. The majority of the large landowners as well as the larger hunt clubs are in support of this ordinance. He hopes the Board will base their decision on these facts.

Mr. Thomas Jones, Sheriff of Charlotte County.

Mr. Jones stated he was asked to appear in support of the rifle ordinance and provide some information regarding the use of rifles in Charlotte County. They allowed rifle hunting and their terrain is very similar to that of Appomattox. He is neither pro nor con where rifle vs shotgun is concerned. They have had 4 accidental shooting with shotguns and no actual shooting with rifles. Two of these shooting were during Turkey season and two during Deer season. He cited one accidental shooting where the shooter hear a sound and mistook a jogger for a deer. This incident took place in the early morning hours and visibility was poor. The jogger was not killed. This is the only rifle accident he is aware of in Charlotte County. He is in favor of hunting with rifles.

Ms. Magda Lista, Route 664, Cove Mountain Road, Gladstone, VA. – 7:24 P.M.

Ms. Lista stated that in hunting season they have a whole parade in her area, starting on the first day of hunting season. She is no stranger to guns and was licensed to carry in her last job. She is not an enemy of hunters. She believes they are a function in society, not only for food, for sport; however, she was not going to address this panel until around March 7th, a Sunday while her husband was standing in the garden and bullets were raining around him. Had she been home, the police would have been notified. They were shooting over a tree line not knowing what was on the other side. This is the height of irresponsibility. This made her take another look at this issue. If anyone in her family is injured

or killed by a high powered rifle, she will sue the County Board of Supervisors. She is definitely opposed to this ordinance.

Mr. Brian Morris, Charlotte Courthouse - 7:26 P.M. -

Mr. Morris is the President of the United Eastern Virginia Hunting Dog Association. The Association supports the hunters in Appomattox and their rights. There may be more people killed by rifles percentage wise but more accidents happen with shotguns. Rifles do not kill people, people kill people. He advocates safety - not outlawing the implement of whatever may kill somebody. It is already legal to use a high powered rifle in Appomattox, just not for deer hunting. This is discriminating against deer hunters. He endorses the use of rifles larger than .22 caliber for deer hunting.

Mr. David Wicks, Route 24, Appomattox, VA. - 7:30 P.M.

Mr. Wicks is opposed to the ordinance. We are cutting all the forests down, spreading all the fields with bio-solids and planting pine trees. We are forcing all the wildlife onto the smaller areas. We should consider we may bring in a lot of hunters from the outside and the local hunters will be competing for the same smaller number of deer. There will be a lot more competition for the larger deer. He is not as worried about the local hunters as he is those coming in from elsewhere. He is opposed to this ordinance.

Mr. Matt Lair, Appomattox County - 7:33 p.m.

Mr. Lair stated he had been hunting deer since he was 13 years old. His hunt club leases 2800 acres of land and last year they paid \$15,000.00 in dues. What they are paying is land taxes. They are just one hunt club among many who pay taxes in this county. They feel they should be allowed to use rifles. Some places he hunts is on the Prince Edward/Appomattox County line. He can use a rifle if he is facing one way but has to use the shotgun if he faces the other. There is no difference in the landscape either way. A rifle is a more efficient killing machine, more humane. Mr. Lair also read a letter written by Marshall Forest and published in the Times-Virginian newspaper. Mr. Lair concluded by saying he is in favor of rifle hunting in Appomattox County.

Mr. Hugh Dolan, Route 2, Box 124, Appomattox, Va. - 7:35 P.M.

Mr. Dolan stated he would not go over all that had already been discussed. He stated that any caliber gun can be used for target practice in Appomattox County 365 days a year, Sundays included. All they are asking for is six (6) weeks in the fall and winter to harvest deer.

Ms. Dianne Miller, Appomattox, Va.

Ms. Miller stated she had seen pictures of six (6) year olds who have killed their first deer published in the newspaper. Movies, T.V. and video games see the

public's increase for violence in this country. You are now being asked to approve the use of more firepower. Gentlemen, please do not do this.

Mr. Gene Williams, Route 5, Appomattox, Va.

Mr. Williams stated that he has stood at his mailbox and seen ten year old kids standing there with shotguns and he does not think he wants to come home and see them standing there with high powered rifles. He stated we do not need that in our county. Mr. Williams feels maybe an age should be included in this ordinance. He hunts with a shotgun and does not feel you need a rifle to kill a deer.

Mr. Lester Goin, Route 2, Appomattox, VA – 7:40 P.M.

Mr. Goin stated this was an emotional issue for him. He wanted to thank Mr. Moore and Mr. Carter for their stand the last time this issue came up for public discussion. He does not hunt. He has about 1,000 acres which is not posted and people do hunt on his property but if this ordinance is passed, he will have no choice but to post his property. You, the Supervisors have an awesome responsibility, your decision can divide families, friends and hunt clubs. He would like to see this issue on a referendum so all the citizens of the County can express their opinions. He is opposed to the passing of this ordinance.

Mr. Rich Guild, Appomattox, VA. 7:44 P.M.

Mr. Guild stated he has not heard so much misinformation and lies about what firearms will do and will not do. He hopes the Board will confine itself to known facts. We are already allowing muzzle-loading firearms which will penetrate brush where a high-powered rifle will not. He has been before the Board on numerous occasions to speak about tourism, and bringing hunters into the County is a part of tourism. You can, in fact, increase your revenue by passing this ordinance. Those individuals who are supposedly out there drinking alcohol and those shooting from the road are breaking the law, call the Sheriff's Department and have them arrested. Do not penalize those hunters who do not break the law but enjoy hunting as a sport. He is in favor of rifle hunting.

Mr. Bill Jamerson, Route 727, Appomattox, VA.

Mr. Jamerson stated he respects the opinion of everyone who spoke tonight. He resents very much two representatives from Charlotte County coming to speak tonight. If this was the kind of meeting we were going to have he is sure we could have gotten people from other localities who are opposed to this type of hunting. He asks the Board to take this into consideration in making their decision. We do not do things the same way Charlotte County does.

Mr. Todd Jennings, Richwood Estates, Appomattox, VA. – 7:46 P.M.

Mr. Jennings began by saying that everyone has expressed their opinion on this issue. Guns do not kill people, people kill people. It is always the understanding of your shot, that makes the shot safe. He is in favor of this ordinance.

At 7:50 p.m. Mr. Carter closed the public hearing.

At 8:00 p.m. Mr. Carter reconvened the regular meeting.

Mrs. Ellen Jamerson called for an answer to her question –“ why are rifles safer than shotguns”?

Mr. Conrad addressed this question. There has probably been some misconceptions on a couple of issues tonight. One of which is that several of the members have been accused of, or rather addressed this as one of their campaign issues. This was not a campaign issue. He did not ask for votes because he was going to vote for rifle hunting. However, if someone asked him about the rifle issue, he told them how he felt, but he did not promise to change things if he was elected.

In answer to Mrs. Jamerson's question, this can be addressed from both sides and he will give a couple of examples. He is going to vote for the ordinance. He has hunted most of his life and feels he knows a little about this. When you are getting ready to shoot game with a rifle, you are aiming the rifle, most likely with a scope. When using a shotgun you are pointing and shooting, hoping that one of the projectiles will hit the target. About fifteen (15) years ago, he was in Buckingham County hunting and when he got home that night, his wife was distraught. She had had a problem with a hunter that day. It appears the children were in the yard playing and a truck comes along, a hunter gets out and is waiting for the dogs to drive the deer in his direction. She tells him he cannot be shooting in her yard because of her children. He proceeds to tell her that he will be shooting across the yard. He is using a 12-gauge shotgun. The point is, if she had not seen this and a deer had come across the yard, the hunter not knowing the children were out playing, he could have shot a 2-inch shell containing 9 to 12 shots of 00 buck. Had he been using a rifle, he would have had only one (1) projectile going across the yard. He is sure in this case a rifle would have been safer. He is sure there are people present who could give stories about how a shotgun is much safer. He feels that his example was a good indication of how a rifle is much safer than a shotgun.

Mr. Conrad also read from the newspaper article presented by Mrs. Jamerson and stated that she neglected to read the whole article. According to Julia Dixon Smith, of the Virginia Game Department, short range shotguns account for more hunting accidents by far. In the hunting season of 1999-2000, Smith says a total of 43 firearm accidents were reported and investigated by the Game

Commission, 33 of these involved shotguns - 18 people killed in a nine (9) year period by a shotgun and 22 by a rifle. Muzzle loaders are a moot point, because they are already legal in the County. We will have auto accidents and anything we are involved in today, we take chances, but there is not enough of a difference here to say the world is going to fall apart because of this issue.

Mr. Carter stated that the issue of a referendum had arose. Mr. Overstreet, the County Attorney, will address this issue.

Mr. Overstreet stated that Virginia is a Dillon Rule State. Anything that is not addressed in the State Code, cannot be placed on a referendum by the County Board of Supervisors.

Mr. Armburst stated he had several contacts regarding this issue. 33 in favor and 13 against.

Mr. Craft stated he did not make any campaign promises regarding rifle hunting. He has received three letters, 9 or 10 telephone calls, with about a 50-50 split for and against. His street contacts have been overwhelmingly in favor. When he was campaigning, many people asked him about the rifle issue, he clearly stated he did not know the situation. He had no intentions of introducing this issue on his behalf, he is not that big of a hunter anymore. He represents the Pamplin-Hixburg area which border counties that do allow rifle hunting. These hunters carry two types of weapons which they have to load and unload depending on where they are hunting. He has seen no problems with the use of rifles for deer hunting.

Mr. Moore has been contacted by many people who are against hunting with rifles. Surprisingly, many members of hunting clubs in his area do not want to allow rifle hunting. He knows that there are people in his area that want to hunt with rifles and the last time this issue came before the Board, they were all contacting him. This time he has had very little contact from those in favor of rifles. He assumes that they knew he voted against it last time and there were three possible votes in favor already on the Board. He has had mostly contacts with those that were opposed to this ordinance. He has always tried to vote the way the majority of his constituents want him to vote.

Mr. Carter has been contacted mostly by street contacts. He has received few letters or phone calls. It is pretty well known how he voted the last time. Personally he is neither for nor against the use of rifles. He does not hunt anymore, but if he did he probably would want to use a rifle. In the Courthouse District, which is made up mostly of the Town citizens with some County citizens, the majority of those who have approached him have been against this

ordinance. He was elected to do what the majority of his constituents want done, not his personal feelings.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the following ordinance:

ORDINANCE FOR REPEAL OF
CHAPTER 87 HUNTING :
OF THE APPOMATTOX COUNTY CODE.

Be it Ordained that:

- a) Chapter 87, HUNTING, of the Appomattox County Code is hereby repealed:
- b) This Ordinance is adopted pursuant to Sections 15.2-1426 and 1427 of the Code of Virginia;
- c) This ordinance shall be effective immediately.

AppOrd

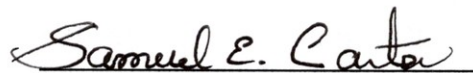
VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, nay; and Mr. Carter, nay. (3 aye votes, 2 nay)

At 8:25 P.M. Mr. Carter called for a short recess.

At 8:30 p.m. Mr. Carter reconvened the meeting.

At 8:32 P.M. Mr. Craft made a motion seconded by Mr. Conrad to adjourn.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, April 19, 2004, the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Shawn A. Armbrust – Wreck Island District
Mr. Thomas H. Conrad – Falling River District
Mr. William H. Craft – Appomattox River District
Mr. Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Ms. Aileen T. Ferguson – County Administrator
Mr. Johnny Overstreet- County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Conrad to deliver the invocation.

Mr. Carter next called for the **Setting of Agenda**: No one had anything to add at this time.

Mr. Carter moved to the next item on the agenda: **Citizen Public Comment Period**. No one had signed up to speak and having no one come forward, Mr. Carter moved to the first item under **ADMINISTRATIVE ITEMS**:

ADMINISTRATIVE ITEMS: (Items 1-11)

1. **Robinson, Farmer, Cox Associates Audit Contract:** Proposed audit contract for FY2005. Staff recommends accepting the contract for FY2005. Robinson, Farmer, Cox Associates has performed our audits for a number of years and is familiar with our system. They are very responsive when we call with questions and are available to address any problem that may occur.

Mr. Conrad asked if we are compelled by any regulations to solicit this every year or every so many years.

Mr. Overstreet informed the Board that we do have to go through a procurement process for any contract with an outside firm for goods or services. Those contracts, especially with an auditor, are normally contracts which can renew from year to year for a period of three to five years before a new Request for Proposal is done. It has been discussed that this will probably be done next year.

Mr. Craft made a motion, seconded by Mr. Moore to accept the proposal from Robinson, Farmer, Cox Associates to do the County audit for the FY2005. VOTE:

Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Employee Assistance of Central Virginia, Inc.:** Employee Assistance of Central Virginia, Inc. is proposing a cost increase of \$24.00 for the employee assistance program for FY2005. Staff acknowledges this increase is minimal and recommends accepting the pricing revision for FY2005. If approved this figure will be included in the FY2005 budget.

Mr. Carter stated that this EAP is of great benefit for the employees.

Mr. Craft made a motion, seconded by Mr. Moore, to approve the \$24.00 per year increase for the services of Employee Assistance of Central Virginia, Inc. for FY2005. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

3. **Jamerson Battleground Site:** At the joint meeting with Town Council it was recommended that the governing bodies pass a motion asking the National Historical Park Service to include the Jamerson Battleground Site in their master plan.

Mr. Armbrust, who was unable to attend the joint meeting, asked if it had been proven that a battle did take place on this property. In talking to local historians they have indicated that they have never been able to find documentation that this is a battleground site.

Mr. Carter stated that from all the documents that have been presented to the Board, it has been signified that this is a valid battleground site. Mr. Moore added that the National Historical Park Service had done some research and concluded that this was the site of the last battle prior to the surrender and several artifacts have been located.

Mr. Armbrust made a motion, seconded by Mr. Moore, to ask the National Historical Park Service to include this in the master plan for next year. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for action on the **Consent Agenda: (Items 4-11)**

4. **Approval of Bills:** Please approve bills as presented for payment.

ACTION ITEMS:

5. **EMERGENCY MEDICAL SERVICES COMMITTEE:** At the joint meeting with Town Council it was suggested that a committee be formed to research problems that the rescue squad is having getting day time calls

answered and possibly offer some assistance to help alleviate this problem. The committee was to be comprised of two Council Members, two Board members, two rescue squad members, the Town Manger and the County Administrator. This committee has met at least once but no formal action was taken to appoint the Boards representatives. Mr. Carter and Mr. Craft attended the last meeting.

It is recommended that Mr. Carter and Mr. Craft be appointed to represent the County on this committee.

6. **Cross Country Hunt Club Turkey Shoots:** The Cross Country Hunt Club is requesting that the cost for their turkey shoots be reduced to \$25.00. The cost stated in the permit application is \$25.00 per day. They made application for each weekend for an entire year, even though they do not plan to hold an event each weekend.

Staff recommendation is that since we have never collected the \$25.00 per day fee from hunt clubs in the past, there is no problem with reducing their fee to \$25.00 for this year.

7. **Spout Spring Ruritan Club Building Permit Fees:** Spout Spring Ruritan Club is requesting that we waive the fees for a building permit they obtained to add an addition to their bingo building. The total cost of this permit has been calculated at less than \$74.00. Since the Board has in the past waived fees of this nature for community service organizations, please approve by consent.
8. **Permit Application for Musical or Entertainment Festival:** Stonewall Vineyards is requesting permission to hold their annual Mayfest Event on May 8, 2004 during the hours of 2:00 – 6:30 p.m. They are also requesting the bond requirement be waived. Please approve by consent since this event has been held for numerous year with no problems.
9. **Proposed Budget Schedule:** The County Administrator is requesting the Board approve the following schedule for budget workshops, public hearings and budget adoption. If this is not agreeable, provide additional dates that will work into this time frame.

The figures for the School Board budget will not be available until after the April 26th Joint Meeting. Also, due to the problem with receiving funding estimates from the State, you may need to move the due date for real estate taxes from June 5 to June 25.

BUDGET PREPARATION SCHEDULE

April 19, 2004	-	Accept Budget Schedule
April 29, 2004	-	Meet with any Department Heads that wish to talk with you about their budget requests
May 10, 2004	-	Meet with other groups that wish to explain their Budget requests to you
May 17, 2004	-	Public Hearing on Proposed FY2005 Budget
June 7, 2004	-	Adopt FY2005 Budget

SUPPLEMENTAL APPROPRIATIONS:

10. Library: Please approve supplemental appropriation as requested:

7301-5411	\$405.81
7301-5415	350.00
7301-5401	240.16

LINE ITEM TRANSFERS:

11. Legal Services: Please transfer \$25,000.00 from operating reserve to legal services to cover additional expenses incurred during the absence of the County Administrator:

1101-5804	Operating Reserve	minus \$25,000.00
1204-3002	Professional Services	add \$25,000.00

Mr. Craft made a motion, seconded by Mr. Armbrust, to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

On a motion by Mr. Craft, seconded by Mr. Conrad, the Board approved moving the Real Estate Tax due date from June 5 to June 25. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter called the Board's attention to **INFORMATIONAL ITEMS:**

12. Invitation from YWCA: The YWCA is inviting you to join them on Friday, April 30, 2004 at 12:00 noon for their YWCA's National Day of Commitment to Eliminate Racism.

13. Letter from Dr. Jerry Falwell – War Memorial: We have received a letter from Dr. Jerry Falwell supporting the idea of a War Memorial in Appomattox.

14. Appomattox Town Council Agenda: Agenda for Town Council meeting held on April 12, 2004.

- 15. Ms. Anne Dixon – Parks, Recreation and Tourism:** Ms. Dixon is unable to attend tonight's meeting, therefore, she has provided a written report.

Mr. Carter called attention to paragraph 1, page 19 - Ms. Dixon Report on Tourism. "The Town of Appomattox contacted me and asked to pay for half of the printing cost on the brochure." He thinks this is something that is very, very positive, something that shows we are moving forward in joining hands, keeping down expenses and something that will benefit both Town and County.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Conrad says the Route 604 dumpster site is a disaster. People apparently are going in the dumpsters and pulling stuff out and leaving garbage laying out all over the road and parking area. This was discussed some time ago when we talked about manned sites. He asked that the Sheriff's Department check on this problem. The problem was not stuff falling off the dumpster, the dumpsters were basically empty.

Mrs. Ferguson will ask the Sheriff's Department to check on this problem.

Mr. Armbrust stated that at the initial meeting this Board had discussed that everyone wanted to save the County money, but also wanted the County to prosper. We are learning about the Waterline from Lynchburg. Some of his concerns include how will the water be utilized? What will become of the extra sewage? Are we going to need a filtration system? If there is a water shortage, will Appomattox be guaranteed water? He would like to have a meeting to discuss these issues.

Ms. Ferguson will set up a meeting with David Garrett and Walter Hancock to discuss these questions.

Mr. Carter next called **Ms. Penny Taylor and Mr. Kenny Rowlette of the Appomattox County Chamber of Commerce and The Appomattox Historical Commemoration Committee** to address the Board. Ms. Taylor and Mr. Rowlette are here to ask the Board for support for a reenactment the weekend of April 8 & 9, 2005. Staff recommends support of the proposed reenactment, conditioned upon IDA approval for use of the site.

Mr. Rowlette provided the Board with an outline of proposed events, for the reenactment of the Final Campaign, to be held on April 8 & 9, 2005. This outline contains two (2) options, Option A & Option B. The basic difference in these two options is the ceremony at the National Historical Park. They have planned a meeting with Mr. Reed Johnson of the National Historical Park on May 3, 2004.

Mr. Rowlette stated this event should also draw tourist to the businesses in Town as well as other places in the County.

They should have a more definite location for this event after the first week of May. They would like to be able to use the entire IDA site.

Mr. Craft made a motion, seconded by Mr. Armbrust, to approve support of the proposed re-enactment scheduled for April 8 & 9, 2005. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes).

The Chamber/Re-enactment Committee has requested a Musical and/or Entertainment Festival Permit for their event to be held June 19-20, 2004 at the IDA property located on Route 613. They are also requesting the bond requirement be waived.

Mr. Moore made a motion, seconded by Mr. Craft, to approve the Musical and/or Entertainment Festival Permit for the Chamber of Commerce/Re-enactment Committee to hold an event on June 19-20, 2004 at the IDA property located on Route 613. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Ms. Taylor stated she has two concerns. The dumpster site at Vera is terrible. People have been dumping furniture and everything else. She has on occasion said something to people about this and they have told her they have the right to dump items. The County needs to come to terms regarding manned sites.

The second concern is the E-911 Road Signs. She has put her road sign back up twice. Now the sign is completely missing. She feels these signs should be bolted together better.

Mr. Carter informed Ms. Taylor that the E-911 Coordinator is aware of the problem and is working to correct this problem as well as replacing the missing or down signs.

Mr. Carter stated that a closed session was necessary in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussing a personnel matter and §2.2-3711 A.7 for consultation with legal counsel.

At 7:25 p.m. on a motion by Mr. Moore, seconded by Mr. Craft, the Board entered into closed session in accordance with §2.2-3711 A.1 of the Code of Virginia for the purpose of discussing a personnel matter and §2.2-3711 A.7 for consultation with legal counsel. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At 7:48 p.m. Mr. Craft made a motion, seconded by Mr. Moore to return to regular session. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At 7:49 p.m. Mr. Carter read the following certifying statement:

WHEREAS, this Board convened in a closed meeting under §2.2-3711 A.1 of the Code of Virginia, for the purpose of discussing a personnel matter; and §2.2-3711 A.7 of the Code of Virginia, for the purpose of consultation with legal counsel;

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter asked if there was any business to be discussed as a result of the closed meeting.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve paying an employee for one-half of accrued leave which cannot be carried over for another year. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter reminded everyone of the Upcoming Meetings:

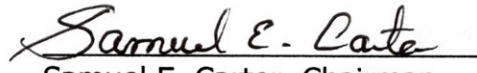
Meeting with School Board
Monday, April 26, 2004
6:00 P.M.
School Board Administration Building

Regular Meeting
Monday, May 3, 2004
6:30 P.M.
Appomattox Town Office

Mrs. Ferguson asked if anyone planned to attend the Rails to Trails meeting on 5-8-2004.

Mr. Craft stated that he planned to attend. Ms. Ferguson will notify Prince Edward.

At 8:52 p.m. Mr. Armbrust made a motion, seconded by Mr. Craft, to adjourn.
VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, April 26, 2004, the Appomattox County Board of Supervisors held a joint meeting with the Appomattox County School Board at the School Board Administration Building located on Court Street, Appomattox, VA. 24522

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (School Board)

Clifford Rhodenheizer - Chairman
Ms. Martha Jones
Todd Pickett
Ms. Amy Martin

ABSENT: (School Board)

R. W. (Bobby) Mitchell

ALSO PRESENT:

Ms. Aileen Ferguson – County Administrator
Dr. Walter Krug – Superintendent Appomattox Schools
Billy Perrow
Ms. Dorinda Saxton
Ms. Janice Marston
Ms. Martha Eagle

At 6:30 p.m. Mr. Carter called the Board of Supervisors Meeting to order.
Mr. Rhodenheizer called the School Board to order.

Dr. Krug stated there two items they wished to review at tonight's meeting. The first having to do with school facilities. This past week the School Board took

action on Resolutions declaring the Oakville School property and the Old Elementary School as surplus property so they can be returned to the County Board of Supervisors effective July 1, 2004. Information was furnished by the School Board covering some needs they will still have at the Old Elementary School and hope to come to some resolution on these in the next few weeks.

1. They need to use the current maintenance shop in the Old Ag Building at that facility until another facility is secured. They do not have the latitude in their operating budget to provide such a facility. We need to work together to achieve this.
2. They will also need to use four areas for storage: the Old Home Economics Cottage and the three outbuildings. They will provide personal property insurance for these properties and be responsible for the utility costs required for the maintenance building. There is no electricity to the other buildings.
3. They would like to have permission to store materials in some mutually agreed sections in the Elementary Building in preparation of the auction in the fall. They would also like to conduct the auction from this site.
4. They would also like to retain possession of the kitchen equipment which is at present inaccessible due to the Courtroom location. This equipment will either be sold at the auction or through sealed bids. This equipment was most likely purchased through U. S. Department of Agriculture funds. Proceeds from this equipment will have to be placed in the Cafeteria Account.

The School Board would not be responsible for the property or liability insurance, or the upkeep and/or maintenance or utility costs for the sections of the building they did not specifically mention above, effective July 1, 2004. They also expect to remove the gazebo out front and certain pieces of the playground equipment prior to July 1, 2004.

Mr. Carter questioned who would be responsible for the upkeep of the grounds?

Dr. Krug next presented some background on the budget they deem as necessary for next year. They are trying to maintain the same level of programs and services at the existing level for our students; maintain the same class sizes; to stay current with the technology they have; move toward fair market salary and benefits for employees; the VRS rate adjustments over which the School Board has no control; and provide staff for special education. They also realize that through the "No Child Left Behind Act" and the requirements of sub-groups of students meeting literacy needs, that they need to address in a more aggressive way the middle and high school levels.

There are a number of federally mandated issues that must be addressed.

Dr. Krug also informed the Board of the positions they need to upgrade and the possibility of several new positions as well. The salary figure includes all benefits.

They are also including four (4) new buses and about \$10,000 for a school census that has to be done this next year. There are several other positions they would like to have depending on the outcome of the Senate budget. The total projected budget is \$18,222,964.00. Dr. Krug also discussed the revenue side of the budget.

There was a brief question and answer period with several comments being made about placing a high priority on education for our students.

Mr. Carter stated he felt that the budget that has been put together should enable the Board to see what is best for the County, keeping in mind that education should be one of the highest priorities in the complex of the County Government.

Mr. Armbrust stated that he can look to some Board members for instruction as to how they have done things in the past and he can also educate and help them see things in a different way, since he himself was a teacher.

Ms. Martin stated she would like to see things move forward as the last few years have not been favorable to the School Board. If they have to make cuts, it will have a devastating effect on the quality of education our children receive.

There was a lot of discussion regarding reading skills. A lot of the children are not up to the reading and comprehensive levels as the majority of their classmates.

Mr. Billy Perrow passed out information regarding the budget and stated that this was subject to change. This version is based on the Governor's Proposed Budget with Contingency Amendments. He stated they received revenue from the Federal Government, the State Government, the Local Government and from other ways of generating income. They also receive some funds through grant programs.

The State Revenue comes in three types:

SOQ – Standard of Quality – these are things that must be done.

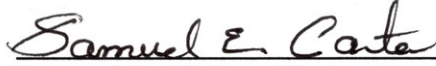
Incentive Group – program that the State wants localities to have. These funds have to be used for specific purposes. Funds have to be matched, but you can turn them down.

Categorical – no matching but are programmed for certain areas.

Local Funds – those programs funded by the local government.

Mr. Perrow explained in detail what category all of their funds are expended to.

After a short discussion period, Mr. Craft made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


 Samuel E. Carter, Chairman

On Thursday, April 29, 2004 the Appomattox County Board of Supervisors held a Budget Workshop in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA 24522.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Shawn A. Armbrust – Wreck Island District
 Thomas H. Conrad – Falling River District

ABSENT: Willie H. Craft – Appomattox River District
 Russell H. Moore – Piney Mountain District

ALSO PRESENT: Ms. Aileen T. Ferguson – County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

Mr. Monte Mays, Commissioner of Revenue appeared to discuss his budget for FY2005.

Mr. Mays stated his workload has steadily increased tremendously in the last four years. He is having to work evenings and on weekends to get the real estate and personal property books done. He has not asked the Board for assistance since the County went to billing taxes twice a year.

Mr. Mays stated they have had the following property transfers already in 2004:

January	61
February	64
March	77

Real Estate transfers has grown tremendously in the last few years. A good year used to be between 45 and 50 transfers.

Mr. Mays explained to the Board exactly what his responsibility is when a piece of property transfers from one owner to another. He has to change the name of the owner and the address. (He also stated here that due to the implementation of E-911 they will have to change the addresses on over 20,000 property cards.) He has to assign a map number, state how much the property sold for, where the property sold is located in the Clerk's Office – deed book/instrument number. They are averaging approximately 61 of these a month. The County picked up 10 million dollars in new construction this year. This is the biggest year we have ever had. This is approximately 70 new dwellings, averaging in cost from \$100,000 to \$130,000 per home. This is in addition to all the work involved during the tax season.

His office has to actually measure all new construction, house, garage, pool or otherwise; list this on the property card along with the type of construction, basement, sheet rock or paneling, plus the number of baths. They had over 300 stops this year.

In the past, he has budgeted for part-time help around \$11,000.00. He is asking to have this part-time position turned into a full-time position so he can have someone working on real estate only. If he has a full time position approved, he will only need a part-time person to answer the phone during the busy part of the tax season. He is also asking for a salary increase for Rebecca McCormick and to place her in the Real Estate position because she has been trained and is capable of handling these duties. (Starting salary of \$17,080.)

There was some discussion of land use reassessment. We are going into the 3rd year of Reassessment. We are now down to 70% of Fair Market Value. Next Reassessment due in FY2006.

Mr. Carter thanked Mr. Mays for his participation in this budget process.

Mr. Carter then asked Mr. Fred Underwood, Mr. Joe Foxwell, and Mr. Sonny Conner of the Electoral Board to address the Board for the purpose of explaining and discussing the increases in the FY2005 budget.

Mr. Underwood explained that they have included in their budget request a line 8002 – Buildings, Equipment & Donations. This is explained in the narrative accompanying the budget requests. They have precincts in the Moose Lodge, the Spout Spring Ruritan Building, the Oakville Ruritan and the Pamplin Community Center. They would like to make a contribution to each of these organizations for the use of their facilities.

There are some repairs that need to be done to the precinct buildings that are owned by the County. This figure is presently undetermined and will be added to "5413 – Miscellaneous" , when estimates are completed.

Mr. Underwood explained that the Stonewall building needs a new roof, some painting on the inside and a sealer on the floor to keep down dust. At Agee, the inside needs to be painted and some work on the ceiling from water stain. Vera needs to be painted on the inside as well. They also have a broken window that needs to be replaced. The Chap building needs some work on both the inside and outside. They have received two (2) estimates and they are looking at about \$8,000.00 to make these repairs.

The Electoral Board would also like to have someone check on these precinct buildings periodically to make sure they are not in need of repairs. They have not had any problems with vandalism in the past.

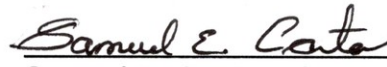
Ms. Ferguson reminded them that the County only has one maintenance person who is responsible for all the buildings the County owns. It is impossible for him to do everything that should be done. He tries to check these buildings out prior to an election being held.

The Electoral Board also reported that they have spoken with Roberta Savio, who works at the landfill, and she had given them an estimate for cleaning these buildings before each election. This estimate was approximately \$200.00.

The Registrar's budget was discussed briefly. There appeared to be no problems with this.

Mr. Carter thanked the Electoral Board for appearing.

At 8:00 p.m. Mr. Armbrust made a motion, seconded by Mr. Conrad, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; and Mr. Carter, aye. (3 aye votes, 2 absent).


Samuel E. Carter, Chairman

On Monday, May 3, 2004, the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA. 24522.

PRESENT: Mr. Samuel E. Carter, Chairman – Courthouse District
Mr. Shawn A. Armbrust – Wreck Island District
Mr. Thomas H. Conrad – Falling River District
Mr. Willie H. Craft – Appomattox River District
Mr. Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Ms. Aileen T. Ferguson – County Administrator
Mr. Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to give the invocation.

Mr. Carter called attention to the first item on the agenda: **Setting of Agenda:**

1. There will be no executive session tonight.
2. Amended Budget Schedule. Move May 10th, meeting to May 11th.
as Town Council will be using the Council Chambers on May 10th.
4. Supplemental Appropriation – Commonwealth Attorney's Office for Salary - Part-time Secretary

Mr. Carter asked if any Supervisor had an issue they would like to add at this time.

Citizen Public Comment Period: This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Mr. John Wilson, Appomattox, Va. Mr. Wilson began by stating that on March 21, 2004 he sent a letter to the Board in which he advocated the construction of a water reservoir in the County of Appomattox. He also advocated local operation and control of our water supply including treatment facilities. He asked you to choose development of the infra-structure and resources of the town and county instead of Lynchburg, Campbell County or Region 2000. Only Mr. Craft volunteered a response to his letter. He verbally indicated that the pipeline was a done deal. When pressed, Mr. Carter, indicated that a source of our water had not been decided. Last week, the County Administrator furnished him with a copy of the study done by Wiley & Wilson. From studying this document, he learned that the 460 Water Pipeline has indeed been decided. The Waterline has progressed to this stage without benefit of public discussion or debate on the pros and cons for providing an adequate and

reliable water supply. Mr. Wilson stated that, we must restore democracy to our local government. Mr. Wilson continued discussing the 460 waterline as opposed to supplying our own water supply. He also discussed the need for a better way of informing citizens of what is going on. He concluded by saying if the Board thinks the water line is the best way to go, please explain it to him.

Ms. Ann Dixon – Director of Recreation, Parks & Tourism: Ms. Dixon passed out a promotional marketing ad campaign entitled "All in a Days Drive". It is designed for day trip destinations within the State of Virginia. This campaign is put out by the News & Advance, Channel 10 News, The Danville Bee & Register and PAX 38 which is a cable channel. This campaign is designed for people who are looking for vacation and recreational opportunities within an easy driving distance. Ms. Dixon also presented a video clipping of a sample of this campaign, containing a 60 second feature style segment featured in 44 spot ads during the morning, mid-day and evening hours. The ad is filmed by the Channel 10 News Team. Ms. Dixon feels this would be a good advertisement for us as it is being used by a lot of small towns throughout Virginia.

Mr. Overstreet asked if the County would own the copyright to this after it was produced and have available for use on other stations? Ann will check into this and report back to the Board at a later date.

Ms. Dixon feels they have the money available from advertising in the last brochure. She would like to have the Board's feeling on this before next Friday.

Ms. Susan Book of Appomattox, Va. was the next to speak. She is excited about the new blood on the Board and congratulated Ms. Ferguson on being named the new County Administrator. She has known about the water system for some time and the original idea was a good thing. She was all for it. She does not think most people know what is going on with the water situation. She is a fighter and does not want to give up on our water. We have a little gold mine here and underneath all this rich dirt, we have some places we need to research. She does not agree with water being the reason people aren't bringing their business to Appomattox. She feels that the reason people are not coming here is because we do not have liquor by the drink. Ms. Book stated she will help research, she is at our disposal now that she is retired.

Dr. Betty Siano next addressed the Board. Dr. Siano began by saying it is hard to follow John and Susan, because they have covered all the issues. At home today she felt like she was on "You Want to be A Millionaire". People kept calling her all day because of the letter she had written to the newspaper last week. The reason she wrote the letter was because she had read things in the paper and she did not have the answers for them and she has been through a very similar circumstance at another time in her life and it didn't turn out to be too

nice. She decided to not present her questions but to present the questions that were being asked of her today. She has six (6) questions:

1. If or when you pipe water from Lynchburg, won't it also be necessary to address the issue of sewers and sewage? Is this waste water going to be shipped back to Lynchburg to be cleaned up again? Is this a two-way street arrangement, or will it be necessary to build a new sewage purification plant at an additional cost to the citizens of the County and Town because the Town's sewer system will not be able to handle the County sewage as it presently exists?
2. What will the average hook-up costs per household be?
 Lot of our citizens think they will not have to hook-up to this water system because of where they live in the county. We all know there is no truth to that. When this line comes through, everyone will have to hook-up, whether they like it or not. There will be an individual cost to every taxpayer and bringing the line in is just be beginning. When people have to pay another \$1000 or \$1500 to hook into the line, you are going to hear a lot of misery. What about the senior citizens or others who just cannot afford to do this? If the Board has a plan, it must be a well kept secret.
3. Indebtedness? The Courthouse, The Industrial Park - The County of Appomattox already has enough indebtedness to insure a bankruptcy if the furniture factory went under. We keep hearing that the Industrial Park will not come to a reality unless and until we have adequate water. Region 2000 has not given Appomattox one new business or any indication of a possibility of any industry coming. What assurance do we have that after bring the water line down, things will change any? I have not heard anyone talk about the cost to Campbell County for their share of the line or is Appomattox going to pay for all of it? Dr. Siano asked the Board if any of them had seen the recent issue of Region 2000 magazine. She was thoroughly disgusted, there was not one mention of anything about Appomattox in the entire publication, and yet we pay them thousands of dollars and they blow their horn about everyone else and everything else.
4. Has the Board of Supervisors had a licensed geological expert give an opinion on the possibility of an Aquifer or locating Aquifers in this area? She mentioned that she had heard the owner of the berry farm on Oakleigh Avenue said he could get 100 gallons of water a minute, and he is in the town limits. If this is true, there may be a big aquifer in his area. We all know there is no aquifer in the area of the industrial park.

5. Motivation – What is the reason for taking this action at this time?
I think this whole issue needs to be studied more carefully by all of the new members of the Board. Four months in office does not make many citizens feel comfortable about any decision these gentlemen might make about such a vital issue. What's the hurry? If there was an emergency situation or if there is an emergency situation, why didn't Mr. Carter and the previous Board Members act if this was such a serious situation? What has changed?
6. The Town of Appomattox is in need of water, is that the case or are you projecting for future needs? Do we need to have this done in the next two or three years? Do we need it yesterday? What is the possibility of drilling another well? Surveys have already been done for a reservoir, why not consider that. She understands that Watkins Abbitt had a survey done for a reservoir about 20 years ago. She asks the Board to take a look at this.
7. What are we paying Region 2000 for? The April issue of the Region 2000 magazine does not mention Appomattox. Perhaps you gentlemen do not care how we spend our money. We would like to hear a vote on not giving Region 2000 one cent more until they show us that they have done something for us. Every now and then the little guy at the bottom of the pile gets angry and wants his share of the action.
8. We have been paying for 911 for a number of years and it is important that some issues and/or problems be resolved before we put more on our plates. This is part of the problem. She feels that a lot of people, between the stress of the economy, the stress of the war, everybody wanting something done immediately, have found themselves in a situation where they feel we just have too much on our plates. This brings me to my last question – What about the Elementary School? Are we having a museum over there or are we having something else - What is going on? Where is all the money coming from? Why don't you address and provide a solution to some of the problems we already have before getting us into another or is this a smoke screen to hide something else?

The questions are here, gentlemen. What I ask you to do is just consider them. You have some very intelligent, very cool minded people in Appomattox, why not use them. She loves Appomattox, she is the secretary of the Spout Spring Ruritan Club and they do so many things to help our County and the Town. You need to get more information out to the people so they can make a good decision, a wise decision, one that comes from a real deliberation not a knee-jerk reaction.

Mr. Wade Adams was the next person to speak. Mr. Adams stated he lived in the county and is a neighbor of Mr. Craft's. He is not against the water issue, if it is needed. He fails to see how the County can afford to spend \$18 million to get water from Lynchburg. We would be beholden to the City of Lynchburg for just about whatever they wanted to do. This would be a serious mistake. Appomattox is a small county and we do not have a broad tax base. How can the County add \$18 million to the debt we already have and survive. We could spend \$25,000 to \$50,000 and drill whatever new wells we need. He is strongly opposed to getting water from Lynchburg. We have many retired citizens who are on a fixed income and cannot stand anymore taxes. Before a decision is made, place this as a referendum and let the people decide.

At 7:17 p.m. Mr. Carter closed the Citizen Comment Period.

The next item on the agenda was an appearance by Charles M. Warner to speak to the Board regarding the celebration of the 150th Anniversary of the Community of Evergreen.

Mr. Warner was not present. Mr. Craft stated he may be attending a preplanning meeting on May 13th at 7:00 p.m. regarding this event.

Mr. Carter next presented the **ADMINISTRATIVE ITEMS:** (Items 1-5)

1. Law Enforcement Agreement with Town of Appomattox:

The Agreement with the Town of Appomattox for the Sheriff to provide law enforcement services within the corporate limits of the Town. This agreement is renewed every two (2) years.

Mrs. Ferguson called attention to Item 1 (B) the wording and figure amount may need changing. Discussion centered around what the State would allow and what the Town and County agreed upon. Mrs. Ferguson will talk with David Garrett regarding this.

Mr. Armbrust made a motion, seconded by Mr. Craft, to appoint Mr. Conrad and Mr. Craft to negotiate with the Town on the upcoming Law Enforcement Contract. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. Planning Commission Recommendations: The Planning Commission has submitted its recommendations on the Shrink/Swell Soils Policy.

"Prior to the issuance of a building permit for construction on dwellings, commercial and industrial uses the Building Official shall locate the property and building site on the soil map drafter for Appomattox County. The soil of the property shall be identified in the Soil Survey of

Appomattox County, Virginia provided by the USDA (United States Department of Agriculture) & NRCS (Natural Resources Conservation Service). If the soil check indicates the presence of significant shrink swell potential within 500 feet of the building site, the permit applicant shall then be required to contact a Soil Scientist. The Soil Scientist shall classify the soil according to the Unified Soil Classification System. The determination of the soil scientist shall be put into writing and submitted to the Office of Building & Housing.

If the presence of significant shrink swell soil is not located on the soil map but is found during an inspection by the Appomattox County Building Official, the Building Official has the right to then require a Soil Scientist to be contacted.

When soils are found to be expansive, the applicant must meet with the Building Official to determine a solution which shall be in accordance with Section R403.1.8 of the Residential Building Code."

There was some discussion regarding the contacting of the National Resources Conservation Services to provide this service before approving the Planning Commission's recommendation.

Mr. Overstreet asked if the Building Official had these maps in his office? NO

There was also some question regarding the Building Official being qualified to make a judgment call on this in the best interest of the landowner. The Office of Building & Housing has in the interim been requiring that shrink/swell testing be done for construction of houses, commercial buildings, etc., by outside sources.

The Board by consensus, agreed to table this recommendation until the May 17th meeting and have Mrs. Ferguson gather more information.

3. **Virginia Cooperative Extension Job Performance on Unit Coordinator:** The Central Director of the Virginia Cooperative Extension is requesting your comments on the unit coordinator's job performance.

Any one wishing to submit comments, please contact Mrs. Ferguson.

4. **Livestock Damage Claim Form:** Mr. Jack Wayne Burks has submitted a claim for livestock killed/injured by stray dogs. Eric Eberly with the Extension Service has certified the value of the animals in question.

Mr. Craft made a motion, seconded by Mr. Conrad to pay Mr. Burks \$900.00 for

livestock killed by dogs. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. Musical or Entertainment Festival Permit Applications:

- a) **Lions Club of Appomattox:** The Appomattox Lions Club is requesting to hold their annual Food Festival at Paradise Lake Campground on May 21, 2004. They are also asking that the per day fee and bond requirement be waived.

All seems to be in order and staff recommends approval.

- b) **Reenactment Committee:** The Appomattox County Chamber of Commerce is requesting the per day fee for entertainment event be waived for their June event.

Staff recommends waiver of the fee since the County is contributing to the event.

Mr. Moore made a motion, seconded by Mr. Craft, to approve the waiving of per day fee and bond requirement for the Lions Club Food Festival for May 21st, at Paradise Lake and also the per day fee for the Chamber of Commerce June event. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

The "All in a Days Drive" campaign that Ms. Dixon presented at the beginning of the meeting was briefly discussed. Since there is money available in the budget to cover this ad campaign, Mr. Carter stated he felt this would be an excellent tool for tourism.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve Ms. Dixon's request to join the "All in a Days Drive" ad campaign. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

CONSENT AGENDA: (Items 6 – 12 and Additional Items 4)

- 5. **Approval of Bills:** Please approve bills as presented for payment.
- 6. **Approval of Minutes:** Please approve minutes for Regular Meeting and Public Hearing on Rifles of April 5, 2004; and Regular Meeting of April 19, 2004.

FUND TRANSFERS:

- 8. **E-911 Fund:** Please approve transfer of \$41,160.00 from the E-911 Fund to the General Fund and supplement 3606-5417 – Signage \$41,160.00

9. **Comprehensive Services Act:** Please approve transfer of \$1,250.00 from the Comprehensive Services Account to General Operating to pay the CSA Coordinator for the month of April 2004.

SUPPLEMENTAL APPROPRIATIONS:

10. **Animal Control:** Please approve supplemental appropriation as requested to Animal Control Officer:
 3501-5802 – Claims and Bounties \$700.00
11. **Building Inspections:** Please approve supplemental appropriation as requested by the Building Official:
 3401-5411 Books \$383.98

LINE ITEM TRANSFERS:

12. **County Administration:** Please approve the following line item transfer from operating reserve to County Administration:
 From: 1101-5804 Operating Reserve \$4,324.08
 Add: 1201-1001 Salaries \$4,324.08

Additional Items:

4. **Commonwealth Attorney:** Mr. Puckett is requesting a line item transfer from Operating Reserve due to Commonwealth Attorney's secretary having surgery and will be out of work for two to four weeks. This transfer is to cover cost of part-time help.

 From: General Operating Fund \$2,400.00
 Add: 2201-1003 Part-time Salaries \$2,400.00

Mr. Craft made a motion, seconded by Mr. Armbrust, to approve the Consent Agenda as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:**

13. **Thank You Note from ACHS After Prom Party Committee:**
 Donations Coordinators for the ACHS After Prom Party has sent the Board a thank you note for your contribution.
14. **Inspection Reports from DEQ on the Landfill:** Latest inspection reports on the land fill and the baler building.
15. **Robert E. Lee Soil & Water Conservation District:** Minutes of March 25, 2004 Board of Directors meeting.
16. **Citizen Letter of Concern:** Letter received concerning the Central Virginia Community Services Board from a citizen who is unhappy with one of their decisions.
17. **United Way of Central Virginia:** Quarterly report from the Information & Referral Center of Central Virginia Problems/Needs Inquires for the area.

- 18. Appomattox Town Council Agenda :** Agenda for workshop on April 27, 2004.

19: Supervisor Concerns:

Mr. Armbrust and Mr. Craft had some comments regarding the proposed 460 Waterline Project. Has a definite decision be made?

Mr. Moore had received some concerns that it was just to help the Town.

Mr. Armbrust questioned the County's contribution to the Re-enactment Fund. If the County is contributing to this event, why are they also seeking donations from other sources. Do they have a budget?

Mrs. Ferguson will check on this and get this information to the members.

Mr. Carter then reminded the Board of **Upcoming Meetings:**

May 11, 2004

Budget Work Session

Council Chambers – Appomattox Town Office

6:30 P.M.

May 17, 2004

Regular Meeting

Council Chambers – Appomattox Town Office

6:30 P.M.

May 24, 2004

Public Hearing on the Budget and Budget Work Session

Council Chambers – Appomattox Town Office

6:30 p.m.

At 7:50 p.m. Mr. Moore made a motion, seconded by Mr. Craft, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter

Samuel E. Carter, Chairman

On Tuesday, May 11, 2004 the Appomattox County Board of Supervisors held a Budget Work Session in Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island Supervisor
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson, County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

Mr. Carter welcomed **Ms. Connie Purvis – BREMS:** Appomattox County has not contributed to BREMS in the past. Their operation demands a 25% local match to stay in business. They are primarily funded by a grant through the Health Department. The Appomattox EMS has received about \$69,000.00 in the last two years. This year they are anticipating providing another new ambulance. They provide the UHF communication system that is required by law. They also provide various types of supplies and equipment as well as operational insurance which saves the rescue squad about \$8,000.00 a year. BREMS provides local rescue squads with equipment and training they would not be able to provide on their own. Ms. Purvis is requesting a \$1,064.00 donation from the Board of Supervisors.

Mr. Carter stated that the Board had not funded any new organizational donations in the last couple of years due to the limited amount of funds available.

Ms. Johnson Bowles, Director – Longwood Visual Arts provided the Board with a handout of their activities. Ms. Bowles gave a brief explanation of how their museum provides exhibitions and activities to the residents of Appomattox County as well as the other counties surrounding the Farmville area. Their total operational budget is \$376,968.00. Ms. Bowles is requesting a donation of \$1,000.00 but they would appreciate any support the Board could provide.

Mr. Timothy Shepherd – The ARC – Mr. Shepherd began by explaining to the Board what type of services they provide. They provide Day Support Services to individuals with Mental Retardation and Developmental Disabilities in Central

Virginia. At the present time they have about 100 individuals being served through the center in Lynchburg. They have expanded their services to include those individuals with really challenging behavioral and medical issues in addition to mental retardation. They have a full time nurse and their staff is trained in behavior management and support. They have a new facility on Bedford Avenue in Lynchburg and everyone is invited to come by and visit anytime. Their focus at the present time is training and moving individuals back into the community. They also provide home support. They have approximately 35 employees who work with 200 families, with about 100 individuals on the day program which operates from 9:30 a.m. to 2:15 p.m. on weekdays and also 3 Saturdays per month. They recently opened a program in Bedford and would like to start one in Amherst and Appomattox. They are requesting a donation of \$6,426.00.

Ms. Magda Liska & Ms. Dianne Miller of AWAG - Ms. Liska had with her a dog that was dropped at the pound last week. It was in poor health and has been treated by a veterinarian and is now up for adoption. Ms. Liska discussed the Appomattox County Animal Pound and the recent State Veterinarian's report. They have submitted plans for a new shelter and feel the shelter should not be hidden away in a corner of the County but be prominently located so as to educate individuals in the community regarding human treatment of animals. AWAG volunteers are anxious to support a new shelter in every way possible. AWAG also reminded the Board that they do not have a building to call their own and urge the Board to consider any space available including housing them within a new County Pound if the future building were large enough.

The job of the Animal Warden encompasses too much for one individual. AWAG receives many calls every day, weekends and evenings with most people saying they have not received a call back from the Department of Animal Control. It is unreasonable to expect one person to do everything required alone. Ms. Liska also talked about the euthanizing of animals by injection as opposed to gas, which is a time consuming process.

Ms. Miller talked about the numerous placements of "Fostered Animals". She also gave a report on the number of animals that were helped last year. They had an ambulance donated by Clayton Bryant which after some repairs will be used to transport animals to the Vet. AWAG would also like to see the fees for licenses increased. The Board has been generously donating \$2,500 for the past two years.

Mr. Carter thanked Ms. Liska and Ms. Miller for their report and the service they give to the County.

Mr. Harrell Johnson, Executive Director of Roanoke River Basin Association: Mr. Johnson began by stating that he was the new Executive Director of the Roanoke River Basin Association, having began in January. They are a non-profit, non government organization started in 1945. They represent the river (they consider themselves a friend of the river) from Roanoke to the Albemarle Sound in North Carolina. They support many watershed initiatives. Their primary objective is to fight against inter-basin transfer of water.

Mr. Conrad asked how this association differed from the governmental agencies that set up programs for the proper use of our water ways?

Mr. Johnson explained that they are actually an advocate for the citizens, the common man, the grassroots individuals within the basin. Falling River is a part of the Roanoke River Basin.

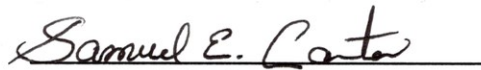
There was some discussion regarding the next budget discussion.

Ms. Ferguson asked to discuss the budget – department by department as to what she has done in attempting to balance this budget. She is asking for a new position for 1201 - County Administration to take care of payroll and other duties as necessary. She is also requesting a 3% salary increase for employees.

Constitutional Officers budgets reflect figures provided by State Compensation Board.

Budget discussion will be continued on Monday, May 17, 2004.

At 8:30 p.m. Mr. Armbrust made a motion, seconded by Mr. Craft, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye; (5 aye votes)


Samuel E. Carter, Chairman

On Friday, May 14, 2004 at 2:00 p.m. the Appomattox County Board of Supervisors held a special called meeting at the office of the County Administrator, located on Morton Lane, Appomattox, VA. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ABSENT: Shawn A. Armbrust – Wreck Island District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
John K. Spencer, Jr. – Assistant County Administrator

At 2:00 p.m. Mr. Carter called the Special Meeting to order.

Mr. Spencer explained that the purpose of the meeting was to adopt two resolutions pertaining to extending a Letter of Credit for a VDOT Road Project at the Industrial Park.

Mr. Carter commented that due to the economic times we have all been going through, we have ways and means of handling this. He feels this is appropriate.

Ms. Ferguson explained that there may be an avenue through VDOT to do repay this money without actually putting out any funds. They may be able to run it through the 6-year secondary roads plans and this would keep us from having to come up with the full \$230,000 right now. They are still working on this.

After some discussion, Mr. Moore made a motion, seconded by Mr. Conrad, to approve the following Resolutions:

Board of Supervisors Letter of Credit Resolution

WHEREAS, the Appomattox County Board of Supervisors has determined that industrial development is an important element in the economic well being of Appomattox County, and

WHEREAS, the Board has instructed the Industrial Development Authority of Appomattox County, Virginia to develop an industrial park of 475 acres, one quarter mile northwest of the Town of Appomattox, referred to as the Appomattox County Industrial Park, and

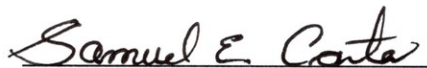
WHEREAS, to successfully develop the Appomattox County Industrial Park road improvements to Route 26 and an entrance road to the park are required, and

WHEREAS, the Virginia Department of Transportation provides funds for industrial access and the State Transportation Board has made an allocation of \$350,000 for the purpose of funding the necessary road improvements to initially serve the park, subject to the location of a VDOT determined qualifying industry on lot 1 and/or 6 of the industrial park and an irrevocable letter of credit payable to VDOT is required.

THEREFORE, BE IT RESOLVED THAT, at a special meeting held on May 14, 2004 at 2:00 p.m. in the County Administration Building that the Appomattox County Board of Supervisors will hereby enter into agreement with the Farmer's Bank of Appomattox to extend an irrevocable letter of credit in the amount of \$230,000 for the sum of \$250, and authorizes Aileen T. Ferguson, County Administrator and Clerk of the Board, to sign said agreement on behalf of the Appomattox County Board of Supervisors.

BE IT FURTHER RESOLVED THAT, the Appomattox County Board of Supervisors agrees to the terms listed in the letter of credit agreement with Farmer's Bank of Appomattox and will in effect borrow any sum drawn on the letter of credit by VDOT in accordance with the signed agreement of the Appomattox County Board of Supervisors and VDOT dated June 28, 1999.

(seal)


Samuel E. Carter, Chairman

The County of Appomattox

Resolution of the Board of Supervisors

I, hereby, certify that I am the duly appointed and qualified Clerk of the Board for the Appomattox County Board of Supervisors and keeper of the records and County seal of said County and that the following is true and correct copy of a resolution duly passed by the Board of Supervisors of Appomattox County at a special meeting on the 14th day of May, 2004, where a quorum was present.

Resolution regarding Virginia Department of Transportation Irrevocable Letter of Credit

In witness, whereof, I have hereunto affixed my name as Aileen T. Ferguson, Clerk of the Board, and have caused the County seal of said county to be hereto affixed this 14th day of May, 2004.

(SEAL)


Clerk of the Board

I, Samuel E. Carter, Chairman of the Board of Supervisors, do hereby certify that the foregoing is a true and correct copy of a Resolution passed as above set forth.

Chairman, Board of Supervisors

VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes and 1 absent)

At 2:09 p.m. Mr. Craft made a motion, seconded by Mr. Conrad to adjourn.

VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Samuel E. Carter
Samuel E. Carter, Chairman

On Monday, May 17, 2004 the Appomattox County Board of Supervisors, the Appomattox Town Council and the Appomattox County Planning Commission held a joint meeting and public hearing in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va. 24522.

PRESENT: (Board of Supervisors)
Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Planning Commission)
Kevin O'Brien, Chairman
Al Sears
Calvin Tanner
Jerry Hughes
Jim Seftor
Marvin Mitchell

John Wilson
Robert Johnson
Susan Hudson

ABSENT: (Planning Commission)
Steve Conner

PRESENT: (Appomattox Town Council)
Ronald Spiggle – Mayor
Marvin Mitchell
Norman Mayberry
Joyce Bennett
Steve Lawson
W. H. Carson

ABSENT: (Appomattox Town Council)
Lewis McDearmon

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
Johnny Overstreet – County Attorney
John K. Spencer, Jr. – Assistant County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Conrad to deliver the invocation.

Mr. Carter called for the **Setting of the Agenda:** Does anyone have any items to present at this time?

Mr. Carter presented two (2) bills to be added to the Consent Agenda:

1. Letter of Credit
2. Central Virginia Electric Cooperative

Mr. Carter also stated that for notation purposes only under Public Hearing R-2 District should be changed to B-1.

Mr. Carter then opened the floor for **Citizens Public Comments Period:** This period is provided by the Board of Supervisors to allow citizens to appear to discuss issues of importance or concern to the citizens.

Mr. John Wilson, Church Street, Appomattox, VA. Mr. Wilson stated he was representing himself as a citizen and a resident of the Courthouse District. Since he is also a member of the Planning Commission, he has a special insight

and knowledge of the topic of his concern but he does not represent the Planning Commission's view. The Planning Commission recently adopted, or rather updated the Community Development Plan according to state requirements. The Comp Plan is always a work in progress. During the past year the Planning Commission began working on a Resource Conservation Plan as an appendix to the Comp Plan. This Resource Conservation Plan was nearing completion when the County Planner left for employment elsewhere. At the last meeting the Planning Commission agreed to complete the Resource Conservation Plan and also develop mini plans that address residential, commercial and industrial growth in the designated areas and corridors of the County. It is his understanding that the planner's duties have been assigned to other personnel as additional duties. It was also suggested that the Planning Commission hire a consultant. Mr. Wilson is concerned that by eliminating the position of County Planner, we are saving a small amount of money but overlooking the much larger economic opportunities that are possible with the employment of a full-time trained planner.

Another area of concern is the 460 water line issue. He agrees that the natural tendency is for growth along US40 west but feels the water line will create development that will be faster, more dense and the quality of the development less desirable. Mr. Wilson concluded by saying that the Planning Commission members are capable and concerned servants of the people. Why not give them a full-time planner and your confidence? They can make your job easier.

Mr. Gary Warner – Freedom Ridge: Mr. Warner is presenting an update on the Freedom Ridge Sub-division. He would like to continue with the rezoning procedure and have this issue placed on the agenda for the next Board of Supervisor's meeting.

Mr. Willie Craft – Appomattox, VA: Mr. Craft reported to the Board and those present on the "Rails to Trails" project. Norfolk Southern is getting out of the railroad business and plans to close off the railroad tracks between Pamplin and Burkeville. The State Park Service would like to develop this area with hiking trails, picnic areas, etc., for public use. This was a very nice trip and he feel it is an asset to the area.

Mr. Carter next addressed the **ADMINISTRATIVE ITEMS: (Items 1-4)**

- 1. Law Enforcement Agreement with Town of Appomattox:** Staff has spoken with the members of Town Council and they do not feel they can renegotiate the terms of the agreement at this time. They have already finished their budget process. Recommendation is that we enter into the contract for another year and then begin negotiations in January or February 2005.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Craft, to adopt the following Law Enforcement Agreement with the Town of Appomattox.

THIS AGREEMENT, made in duplicate the 2nd day of June 2004 and between the COUNTY OF APPOMATTOX, VIRGINIA hereinafter called "County" and the TOWN OF APPOMATTOX, VIRGINIA herein called "Town".

WHEREAS, the County and Town entered into a certain contract dated May 1, 1989 in which the Sheriff of Appomattox County shall be Chief Law Enforcement Officer of the Town of Appomattox as shown on said contract attached hereto as Schedule A.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the mutual covenants and agreements contained herein, the County agrees to furnish to the Town of Appomattox law enforcement services within the corporate limits of said Town as set forth herein.

This agreement is made pursuant to and subject to the following covenants and restrictions:

1) The above mentioned contract dated May 24, 1989 and attached hereto as Schedule A is hereby adopted in full with the following exceptions:

A) This agreement shall be effective from July 1, 2004 through June 30, 2005.

B) Town agrees to pay unto the County during the term of the agreement a sum not to exceed \$80,000.00 per year, payable \$40,000.00 on July 1 and \$40,000.00 on December 31.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

COUNTY OF APPOMATTOX
BY: Samuel E. Carter
Chairman, Board of Supervisors

Aileen T. Ferguson
County Administrator

TOWN OF APPOMATTOX
By: Ronald C. Spiggle
Mayor

Roxanne W. Paulette
Town Clerk

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Request for Use of Courthouse Square:** The American Legion Post No. 104 is requesting the use of Courthouse Square for a Memorial Day Ceremony on May 31, 2004 at 11:00 A.M.

Since this is an annual event in which the American Legion honors our veterans on Memorial Day, Mr. Craft made a motion, seconded by Mr. Conrad, to allow The American Legion Post #104, the use of Courthouse Square on May 31, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. **Shrink Swell Soils Policy:** At the meeting on May 3rd the Board received the Planning Commission recommendations for the Shrink Swell Soils Policy. At that time some things needed to be addressed. Staff has a meeting with Natural Resources Conservation Service on May 13th and will have a report for the Board by the 17th meeting.

Mr. John Spencer reported that he and Lonny Hamlett, the County Building Official, met with Mark Davis, District Conservationist for the NRCS on Thursday, May 13th to see if there was any way NRCS could assist county staff in making determinations on the need for soil test as part of the building permit process. If given a particular piece of property can they determine if shrink swell soil would be within 500 feet of the building site. Mr. Davis basically stated that it was unlikely that NRCS would become a part of this process but they could supply us with maps to help us in making this determination in our office. Furthermore, Mr. Davis stated that once he calculated the amount of land area within our county, 73.6% had either moderate to severe shrink swell potential soil. With another estimated 10% added for floodplain soils (low shrink-swell by nature), approximately 85% of the County contains soils that theoretically require special building methods.

Based on this information, the Board may wish to consider making permanent the interim policy that certain types of construction requires a soil test prior to issuance of a building permit regardless of location within the County.

After much discussion, Mr. Armbrust made a motion, seconded by Mr. Conrad, to table this issue until June 7th. The interim policy will remain in effect. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Conrad, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At this point, Mr. Carter stated the next item on the agenda would be the **Pubic Hearing.**

At 7:07 p.m. Mr. Carter opened the Public Hearing and read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and/or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Spencer read the first petition: **04-313 – Percy & Linda Kidd** – Conditional Use Permit to use site for Automobile Dealership in the B-1 District. Property is located in the Town of Appomattox on 702 Court Street, Tax Map #64A2(A)44.

Mr. Spencer called for comments for this petition.

Mr. Spencer then called for comments against this petition.

Brod Pack who resides at the corner of Lee-Grant Avenue and Maple Streets, Appomattox, Va. came forward. Mr. Pack stated he was not speaking against Mr. Kidd or his body shop, as he feels Mr. Kidd does excellent body work. He is opposed to having a used car lot next to his property and he does not feel it would add to Appomattox. He does not know anything about this dealership and is against it until he finds out more.

Mr. Kidd questioned why when he rented his property from Mr. Pack he did not make his opposition known. He wants only to legally be able to sell a vehicle he has repaired, not operate a full-fledged dealership like Cardinal Chevrolet.

Mr. Spencer called for further comments. Hearing none, the meeting was turned over to Mr. Carter.

At 7:10 p.m. Mr. Carter closed the Public Hearing and called for a five (5) minute recess.

At 7:18 p.m. Mr. Carter reconvened the Board of Supervisors' meeting, stating the next item for discussion was **#3 – Administrative Items:**

- 3. Bids for Grading Soccer & Football Fields:** The bid opening for the next phase in grading the soccer and football fields at the Appomattox Community Park was held on May 10, 2004.

Bid Tabulations:	D. S. Nash Construction Co.	\$80,900.00
	Shearin Construction Co.	\$117,861.80
	Pearson Construction Co.	\$80,740.00

Mr. Fred Kruschwitz and Mr. Gary Gilliam came forward and gave a brief explanation of the property and where the recreational areas are being placed. They also brought the Board up to speed on exactly what has already been done and what is being worked on at the present time.

VDOT is getting closer to constructing the entrance road. Gary Gilliam is working on the Frisbee Golf Course and he, Mr. Kruschwitz, is putting together the T-ball fields, and the parking lots.

The RFP had requested a base price excluding a performance bond and also a price including the performance bond. He also explained that there was an error in the bid from Pearson, which has been corrected. Even with the correction Pearson was still the low bid - \$80,740.00. They are suggesting that Pearson Construction Company be awarded the contract for the Soccer and Football Fields.

Mr. Conrad made a motion, seconded by Mr. Craft, to accept the bid from Pearson Construction of \$80,740.00 for the construction of the Soccer and Football Fields at the Appomattox Community Park. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called **Mr. Wayne Phelps** to address the Board.

Mr. Phelps has asked for this meeting with the Board regarding the proposed war memorial placement and request funding for this project. Mr. Phelps will also address some small repairs that need to be done on the Confederate Statue on the Courthouse lawn.

Mr. Phelps reported that over the years some of the cannonballs have "walked off". The cannonballs are about 140 years old. The SCV is requesting permission to replace these with replicas and place the original ones in the museum. The SCV will take care of the cost of this project. Also, the flag poles were repainted on Friday with Mr. Moore's permission.

It was the consensus of the Board, that the SCV and Mr. Phelps be allowed to remove the remaining cannonballs, replace them with replicas and place the originals in the museum.

Mr. Phelps then presented the Board with a letter from the Chamber of Commerce, along with a petition from local officials, business people and several VFW Posts in support of the war memorial proposed for the Courthouse Square. Mr. Phelps also presented the Board with a brochure containing several examples of memorials and is requesting \$53,000.00 in funding for this project. This memorial would be placed on the opposite side of the Courthouse yard from the present memorial statue, near the building housing the Treasurer's Office and the Commissioner of Revenue's Office.

Mr. Armbrust questioned the determination of whose names would be placed on the memorial wall. Would it be only those veterans born in Appomattox County or would it include those who moved to the County later.

Mr. Conrad stated he is a veteran. Right now the County is working on the budget and facing great difficulties. He feels they must meet the needs of the citizens and how can we justify cutting money from the School's budget and funding this project. He is against spending taxpayer dollars at this time.

Mr. Armbrust is also against spending the taxpayers dollars at the present time. We must look at present and future needs. We need to fund the fire & rescue units, the sheriff's office and the schools. We must fund the necessities and we have some difficult decisions to make regarding the taxpayers money.

Mr. Craft stated he had talked to a lot of people who had signed the petition. They were not aware that it would be funded by taxpayers money. He has thought about what he wanted to say for several days. He had written down some of his thoughts on this issue. He is an army veteran and also a taxpayer. He has been entrusted to spend the people's money. He read Mr. C. T. Moses' request from April 2, 2001 and no where does Mr. Moses ask for money. The cost of the plaques Mr. Moses proposed was approximately \$16,300. He feels the plaques are the way to go. He feels these can be placed on the outside courthouse walls for everyone to see. Monuments deteriorate over the years and require a lot of upkeep. With all the projects the County is facing at the present time, he is totally against spending taxpayer monies for this memorial at this time.

Mr. Carter is also against spending County funds for this project. Until such time the budget is ironed out, he cannot make a decision on this project. He feels our veterans should be recognized but due to monetary constraints they cannot make a decision.

Mr. Moore suggested that the people who signed the petition donate towards this project. He does not at the present time see how they can make a decision on funding this project.

Mr. Phelps stated he understood the Board's decision regarding funding at this time, but he would like to have the Board designate the area for the memorial now, and give him five (5) years to raise the funds and install the memorial.

Mr. Overstreet stated he would need to draft wordage for designating space for approximately five (5) years. He suggested that Mr. Phelps provide Mrs. Ferguson with some written ideas of what area is in question.

After a lengthy discussion, Mr. Armbrust made a motion, seconded by Mr. Craft, to not reserve designated area until sufficient funding is raised. VOTE: Mr. Armbrust, aye; Mr. Conrad, nay; Mr. Craft, nay; Mr. Moore, nay; and Mr. Carter, nay. (1 aye vote, 4 nay votes)

Mr. Phelps thanked the Board for allowing him to make his presentation.

Mr. Carter next presented the **CONSENT AGENDA (Items 5-9):**

- 5. Approval of Bills:** Please approve bills for payment as presented.
- 5a Central Virginia Electric Cooperative:** Electric service to Industrial Park. - \$697.10
- 5b Industrial Park Access Road** – Irrevocable letter of credit fee. - \$250.00.
- 6. Approval of Minutes:** Please approve minutes of Joint Meeting with School Board on 4/26/04; Budget Workshop on 4/29/04; Regular Meeting on 5/3/04.

SUPPLEMENTAL APPROPRIATIONS:

- 7. Appomattox County School Board:** Please appropriate \$471.88 for expenses incurred at the old elementary school for use as court and recreational facilities.

- 8. Library:** Please appropriate the following for funds received from overdue fines, book replacements, book sales, interlibrary loan fees and donations.

7301-3002	\$271.05
7301-5415	500.00
7301-5203	50.40
7301-5411	2.25
7301-5401	<u>236.50</u>
	\$1,060.20

- 9. Health Department:** Please appropriate the following for shared costs in operating the health dept. :

5101-5800	Contiguous charges	\$4,356.00
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Mr. Conrad made a motion, seconded by Mr. Craft, to approve the **Consent Agenda** as presented: VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS: (Items 10-15)**

- 10. School Board Financial Report:** School Board's financial report for the month of April, 2004.
- 11. Appomattox Town Council:** Agenda for Council meeting on May 10, 2004.
- 12. Citizen comments on Traffic on Main Street:** Letter received from Mrs. Russell B. McCormick concerning the direction of traffic on Main Street.
- 13. Supervisor's Concerns:** Mr. Carter asked if there were any concerns to be presented at this time. None at this time.

At 8:00 p.m. Mr. Carter called for a five (5) minute break before continuing with budget discussion.

At 8:10 p.m. Mr. Carter reconvened the meeting and called for item 14:

14. Continue work on the FY2005 Budget:

Mrs. Ferguson stated they had stopped the previous discussion on page 30 – Dept. 3202 - Volunteer Fire Department - There was an addition to the Pamplin Fire Department, line 5605 - This is the Fire Program money that is divided equally between Pamplin and Appomattox. The normal contribution is \$2,000.00. There was also some discussion about a new pumper or tanker. Mrs. Ferguson has suggested they seek financing for this new truck. In the past, the Board has allotted funds over a five year period to help pay for equipment.

3501 – Animal Control: There was some discussion regarding the improvements that need to be made to the animal pound facility. Mr. Martin has visited some of the surrounding areas that have new facilities to see what others have done. The basic construction costs for a facility is approximately \$125,000. This gives us an idea of what we are facing in the near future towards improving the animal pound facility. It has been recommended that we raise the Dog License Fees to help offset some of the expenses incurred.

3606 – E 911: Need to develop a job description and advertisement for 911 Coordinator. We will need to add to this budget approximately ten (10) new positions for dispatchers to handle 24 hours shifts – 7 days a week. We have not tied down those salaries. All of these should be covered by the funds that are raised via the telephone tax fees.

4101 – Road Viewers: We never know when we will need to utilize their services. Mr. Craft may need to be replaced on this committee.

Budget review stopped with Dept. 4203 – page 40.

Upcoming Meetings:

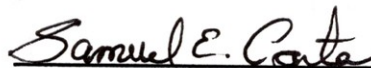
May 20, 2004

**Join Meeting with Appomattox Town Council
Council Chambers – Appomattox Town Office
6:30 p.m.**

May 24, 2004

**Public Hearing on the Budget
Council Chambers – Appomattox Town Office
6:30 p.m.**

At 8:40 p.m. Mr. Moore made a motion, seconded by Mr. Armbrust, to recess the meeting until 6:30 p.m. on Thursday, May 20, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)



Samuel E. Carter, Chairman

On Thursday, May 20, 2004 the Appomattox County Board of Supervisors and the Appomattox Town Council held a joint meeting in the Council Chambers of the Appomattox Town Office, Located on Linden Street, Appomattox, Va. 24522.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Appomattox Town Council)

Ronald Spiggle – Mayor
Marvin Mitchell
Norman Mayberry
Joyce Bennett
Steve Lawson
Lewis McDearmon
W. H. Carson

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
David G. Garrett, Jr. – Town Manager
Roxanne Paulette – Town Clerk
Walter Hancock – Wiley & Wilson
Bill Gillespie – Region 2000

At 6:00 Mr. Carter called the Board of Supervisors to order and Mr. Spiggle called the Town Council to order, after which Mr. Carter gave the invocation.

Mr. Carter welcomed everyone present and stated that the purpose of the meeting was to discuss the subject of the Water Committee Study and the Feasibility Study that has been going on for a number of years. Tonight we have present speakers who will present information that will be beneficial to us in any decision or vision that any of us may have.

Mr. Carter introduced Mr. Walter Hancock of Wiley & Wilson Engineering.

Mr. Hancock stated that they were commissioned to do a study that would look at future development scenarios for the Appomattox area, taking into consideration both the Town of Appomattox and Appomattox County. In this study one criteria was they would be looking for a minimum of 2 million gallons of water a day. The current capacity of the Town of Appomattox water supply is at approximately 328,000 gallons a day, and they are currently using somewhere around 240,000 to 250,000 gallons per day. The system has a total storage of 1.1 million gallons. In looking for 2 million gallons a day, they looked at three (3) different scenarios. 1) Run a water line from the City of Lynchburg down Route 460 to serve the County. 2) Look at potential reservoir sites within the County and 3) tap into the James River for raw water and run a water line from the James River to our development area. He will talk a little bit about all three of these scenarios.

1 – Develop a water line from Lynchburg to Appomattox. This has been talked about for several years and there has been a lot of interest in this option. In this study they determined what the demands would be. If the water line went from Lynchburg to Appomattox, it would pass through Campbell County and Campbell County would use some of that water especially for a future system in Concord. The line size for the ultimate demand would require a 24" to Concord and then a 20" line from Concord to the connection with the Appomattox system. A tank would be required at Spout Spring to serve the entire system but they decided this tank would not be necessary until sometime after the year 2023. The cost of water from the City of Lynchburg would be approximately \$1.50 per hundred

cubic feet. 100 cubic feet is approximately 740 gallons which equates to about .20 cents per 100 gallons. The current retail rate in the Town of Appomattox amounts to .28 cents per 100 gallons. This would also require a pumping station be located near Concord.

2 – Look at the potential of surface water (reservoir sites). In looking at this option, they looked at nine (9) possible reservoir sites. Four (4) of these were on the Appomattox River, two (2) on Wreck Island Creek, one (1) on Rough Creek, one (1) on Wolf Creek and Holliday Lake. Of these sites, only two (2) sites on the Appomattox River were really economically feasible.

3 – Pump Water from the James River – raw water from a site near Bent Creek. Water would have to be pumped up the hill to a point where a water treatment plant would be located. Water would then be pumped to the town. There would also probably have to be another booster pumping station somewhere just before the water reaches the elevated tanks in Town of Appomattox.

The reservoir sites would also require a water treatment plant.

All three (3) of these options are feasible. The cost of any one of these would be in the area of 14.9 – 16.4 million dollars. There is the possibility that grant money can be obtained for this purpose.

The scenarios were narrowed down to four (4) alternatives, two (2) choices of reservoirs, raw water from the James River and bringing of water from Lynchburg. With the James River, you would probably never run out of water. The two reservoir sites would be limited in yield. A reservoir with a water treatment plant would cost approximately 15.4 million dollars with an annual O & M of \$1,000 per one million gallons produced. The James River option with a treatment plant would cost approximately 16.4 million dollars with an annual O & M of \$1,000 per one million gallons produced. With the Lynchburg to Appomattox water line the cost would be approximately 16.4 million dollars but 1.4 million could be delayed for 20 plus years because you could hold up on construction of the tank in the Spout Spring area, bringing the current cost to about 15 million dollars.

They feel that Campbell County would be willing to participate in some of the costs for the water line. Lynchburg already has a line to Mt. Athos.

As stated before, all three (3) options are practicable and feasible. However, they feel the Lynchburg to Appomattox water line has several favorable characteristics and advantages. It presents a low risk for future operational and management costs and for unforeseen expenses in the future. It provides

immediate water service for the corridor from Concord to Appomattox. This corridor is the best location in the county for development and a way to increase our tax base. It also provides the potential utilization of more water than the other alternatives.

Based on their study, they would make the following recommendations: The scenario involving a water line from the City of Lynchburg along the Route 460 corridor including portions of Campbell County and Appomattox County should be pursued. This line would provide water from the City of Lynchburg, which in turn would be purchased by Campbell County and Appomattox. Achievement of this project will require considerable amount of funding, probably from a number of agencies. Appomattox, being the prime recipient of water, needs to take the lead. It is also recommended that Appomattox seek the backing of both Campbell County and the City of Lynchburg for this project. This will make the project a regional objective and increase the potential for themselves.

There was a period of questions and answers regarding the cost of water, construction of reservoirs, who would be in control of this project- PSA or other? Also, what impact would a severe drought have on this supply of water? There should be no impact whatsoever.

Mr. Spiggle stated that we have been talking about this for a long time. We need to decide if we want to do this or not. At this time, the Town is willing to join the County if this the way they want to go. But, we need to look into this now, if we are going this route. It takes time to apply for grant funds and then when enough funding is secured, the planning and the construction will take some time.

Mr. Carter stated that once the Water Study Committee got into this project, we soon decided we needed to have a Project Coordinator. Neither the County nor the Town had one. We needed somebody that could obtain grants, make the necessary contacts, which were very important in helping with the project. The most logical choice, because of past history, was the Regional Commission. Some of the projects the Region 2000 Regional Commission (PDC) has helped with in the past are:

- 1997 – Secured DHCD Grant for sewer lines for Meadowlark Subdivision (\$700,000)
- Developed the County Comprehensive Plan in 1996
- Obtained two (2) Planning Grants for the Town of Pamplin (\$50,000)
- Transportation Grant for Downtown Appomattox
- Rural Development Grant – Pamplin 2003 (\$400,000)
- DHCD Grant for Pamplin (approximately \$1,000,000)

- Three (3) Transportation grants – Pamplin for Train Station improvements – converted building to Appomattox Branch Library, Town Hall & community meeting room (approximately \$1,000,000)
- Transportation Grant for sidewalk at New Elementary School
- Health Insurance negotiations

Mr. Carter introduced Mr. Bill Gillespie, Executive Director of the Region 2000 Regional Commission.

Mr. Gillespie began by saying that he would give an overview of how he interpreted what they were trying to do. They met with representatives of the State and the EPA. And as you already know, the County and Town got a \$1,000,000 grant from Congressman Virgil Goode. Before we even attempted to start applying for a grant we put a bunch of steps in front, because he knew there are still a lot of questions as to which way to go, what we need, and if we can come up with enough grants to get this down to where we could come up with a reasonable cost for those who tie into the system. If you choose to have a Public Service Authority, it will not be a taxpayer issue. Most PSA's are funded by the users not the general taxpayers. We need to come up with a Rate Structure to support this system. We would show you the mechanics for setting up a PSA, what assets the PSA would own and the alternatives.

If a reservoir were to be built, one thing he would like to point out is at least two in this area used to allow fishing, but in the fall of last year a directive came down from the Federal Government saying they wanted to close off these for fishing because of the potential for acts of terrorism. They do not allow boats with gasoline engines because of the pollutants. Until we, at least, have a preliminary of what this union may look like, we cannot go asking for funding. You would be looking at low interest loans, and grants.

The Route 460 corridor is the best industrial development area anywhere around. You would need to extend the corridor for approximately ½ mile on each side of Route 460. Also, in the cases of an Industrial Park development, you would need to extend further than this. They do not feel any funding applications can be submitted until Appomattox answers all the questions as to which way they want to go.

Mr. Carter opened the floor for a question and answer period.

Mr. Ferguson stated for clarification purposes only – the waterline would be installed in the State owned right-of-way so there would be no having to purchase right-of-ways on private property.

There was some discussion regarding the cost of permits, testing, etc. for a County owned reservoir.

The ultimate question at this time is, if we do not do this study, we will never know if we can or cannot afford to develop a water system.

Mr. Carter asked that the Water Issue be placed on the agenda for the next meeting of the Board of Supervisors on June 7, 2004.

Mr. Carter thanked everyone for a very productive meeting

At 7:12 p.m. Mr. Mayberry made a motion, seconded by Mr. Mitchell, to adjourn the Town Council. All voted aye.

Mr. Craft made a motion, seconded by Mr. Conrad, for the Board of Supervisors to take a short recess. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At 7:30 p.m. Mr. Carter reconvened the Board meeting and called for further review of the FY2005 Budget.

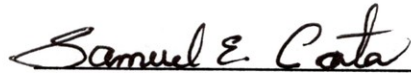
Ms. Ferguson informed the Board of some changes that had been made in the budget since the last meeting. She had contacted the Auditors regarding making changes since the synopsis had already been published. She was informed that changes could be made at any time before the Budget was adopted. She also asked if Capitol Improvement money could be used to pay the debt service on the Courthouse. The answer was yes.

She also asked the Board to go back to Department 3501 – Animal Control: We have received a letter from the Virginia Dept. of Agriculture & Consumer Affairs – Division of Animal Control that they wanted to meet with her to access civil penalties because we do not have separate facilities for cats and dogs. We are going to have to build a new animal pound. We may have to use Capitol Improvement funds for this purpose.

Mr. Martin has included in his budget, a salary increase to the middle bracket of his salary range - \$30,883. A 10% increase will bring him up to \$29,159, everyone else is getting a 3% increase, which would give him \$27,303. At the present time we have a part-time employee who cleans the pound and feeds the animals, seven days a week. We are also looking at the need for another part-time person in the future. This is something the Board needs to be thinking about.

Budget review continued starting with Department 4204 – Refuse Disposal. The increases in the 4302 - General Properties all involve the new Courthouse building. There was a lot of changes to 7109 – Contributions. There was a decrease of \$912,581 in Department 6104 – School Budget. They have a 6% overall increase and a 14% increase in local funds with a total budget of \$17,310,764.

At 8:15 p.m. Mr. Armbrust made a motion, seconded by Mr. Carter, to recess until after the public hearing on May 24, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)



Samuel E. Carter, Chairman

On Monday, May 24, 2004 the Appomattox County Board of Supervisors held a Public Hearing on the FY2005 Budget in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order, welcomed everyone in attendance and gave the invocation.

Mr. Carter stated the purpose for the Public Hearing was to receive comments from the public pertaining to the proposed FY2005 Budget. Anyone wishing to address the Board should come forward and give their name and address for the record.

Mrs. Amy Martin – Appomattox County School Board. Mrs. Martin thanked the Board for taking hours of their time to learn the how and why of the process of developing a budget for our schools. This has been an unusual and difficult year for all of us in developing a budget because we did not have a State budget passed in a reasonable amount of time. While the State Budget has provided the

schools with much needed income, in some instances it is designated to go to specific areas. The revised budget that has been presented to you will meet the needs of the children of Appomattox County and begin correcting the salary inadequacies of the school employees, which will help keep us competitive with surrounding counties. She respectfully requests that the Board approve the revised budget submitted by the School Authorities.

Mr. Carter asked if anyone else wished to speak at this time.

At 6:37 p.m. Mr. Carter closed the public hearing.

At 6:49 p.m. after a brief recess, Mr. Carter reconvened the Board of Supervisors' meeting to enter into additional County business such as setting the tax rate, change orders for the Courthouse and other business issues that need to be addressed by the Board tonight.

Mr. Moore had a couple of change orders for the Courthouse project that needed to be discussed.

Mr. Moore stated the first change order was for the west side of the Courthouse. There was a walkway proposed from the old Clerk's Office to the basement door of the old Courthouse. Since there will be no public entrance to the new courthouse on this side of the building, and there will be no parking on this side, Mr. Moore does not see the need of spending \$14,000 for a walkway that we do not need. There may be a need for a small retaining wall where the air-conditioning/heat pump units are located. It is Mr. Moore's recommendation that we not spend \$14,000 for a walkway at the present time.

Mr. Moore made a motion, seconded by Mr. Conrad, to not approve the change order for a sidewalk on the west side of the new Courthouse. The present sidewalk from the old Courthouse to the Museum is to be removed and this area seeded with grass. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

The next change order has to do with security on the doorway leading to the roof. This door is used for maintenance only and has a standard lock. It has been suggested that this lock be changed to an electronic lock, with a sensor, at a cost of \$1,480. Mr. Moore would like to discuss this change with the Sheriff to see if this is necessary before making any decision. He would also like to discuss this with the Courthouse Committee at its next meeting.

The Board by consensus decided to allow Mr. Moore to make this decision.

Mrs. Ferguson stated she had expected to have a change order regarding a brick wall to cover the meter base on the entrance side of the courthouse. This meter base would have been covered by the connector wall between the two buildings. However, when the connecting wall was disallowed, something else had to be done.

Mr. Carter stated the Board needed to set the Tax Rate for 2005. The proposed tax rate will remain the same as last year:

REAL ESTATE	\$0.66	per one hundred dollars of assessed value
PERSONAL PROPERTY	\$3.50	per one hundred dollars of assessed value
MERCHANT'S CAPITAL	\$1.00	per one hundred dollars of assessed value

Mr. Craft made a motion, seconded by Mr. Conrad, to set the tax rate for 2005 as follows:

REAL ESTATE	\$0.66	per one hundred dollars of assessed value
PERSONAL PROPERTY	\$3.50	per one hundred dollars of assessed value
MERCHANT'S CAPITAL	\$1.00	per one hundred dollars of assessed value

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mrs. Ferguson called the Board's attention to the revised School Budget on the revenue side, Revenue Funds. There is a local program support of \$489,000. In the previous report, not knowing what the State Revenue was going to be, that amount was \$1,666,000. Dr. Krug has written a letter of explanation, very detailed as to where those funds are going and what they are used for. This amount has been reduced considerably.

At 7:15 p.m. Mr. Conrad made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, June 7, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Thomas H. Conrad – Falling River District
 Willie E. Craft – Appomattox River District
 Russell H. Moore – Piney Mountain District

ABSENT: Shawn A. Armbrust – Wreck Island District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
 John K. Spencer, Jr. – Assistant County Administrator
 Johnny Overstreet – County Attorney

At 6:32 P.M. Mr. Carter called the meeting to order and gave the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

7:30 appearance - Lief Aagard – Telecom Management Group - move to last on the Agenda (Closed session)
 Add Supervisor Concerns after closed session.

Next on the agenda was **Citizens Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Lela Mann - Ms. Mann wishes to speak against the proposed water line. She is speaking for a lot of senior citizens, with low income. She wanted to know who was going to pay for this water line and who was going to be responsible for it? Is Lynchburg going to come down and keep it up or is Appomattox going to keep it up? Will our taxes be going up? We have a lot of citizens with low incomes and she is one of them. She is definitely against this project.

John Wilson – Mr. Wilson stated he is here once more to protest the Board's efforts and decisions regarding the piping of water from Lynchburg to Appomattox. Despite the risk of being considered a pest, he will continue to voice his objections to this expensive and ill-considered project. He will continue urging the Board to pursue a course of action that will enable Appomattox to supply, treat and control its own water and sewage. He will continue asking the Board to invest in our people and not burden them with taxes to finance projects that benefit other counties, Region 2000 or a few landowners along US 460

West. Mr. Wilson stated that the joint meeting on May 20th, was a polite meeting between parties which have already decided to "get married" or "at least engaged". Most all the questions asked of the contractors, had already been answered in the Water Source Study or the Scope of Work Agreement. He indicated that some of the Town and County Officials had not read or studied the supporting documents. It appears that the questions and comments raised by concerned citizens were either not heard or were ignored. The people of Appomattox are not all asleep, disinterested or incapable of deciding what we want for ourselves or for prosperity. Mr. Wilson made comments on what we can and cannot afford. He is asking the Board to redirect their energy and tax dollars to providing water from an Appomattox County source, controlled by a County Public Service Authority, owned and operated by Appomattox County.

Wade Adams – Mr. Adams stated he is against the proposed 460 water line. We are under the assumption that water will attract industry. He is retired, but he spent over 41 years calling on and servicing industry in seven counties, south and east of Appomattox. All of them have industrial parks and most are 20 years old or older. Most have ample water supply. Of the seven counties, only one has attracted meaningful industries – Mecklenburg County. They have a large work force, an interstate highway and a large water supply – Buggs Island reservoir. He feels we made a very poor investment by putting taxpayers money in an industrial park in Appomattox County and it is one in a series of costly mistakes made by previous boards, all at the expense of the taxpayers.

Mr. Wade has a petition containing about 500 signatures of persons objecting to this project. They will continue to collect signatures until this matter is resolved. Appomattox is a nice place to live, work, raise a family or retire. We have an abundance of beauty, clean air, water and good people. Let's keep it that way.

Dr. Betty Siano - Dr. Siano began by stating she would like to call her speech the "Great Industrial Park Hoax". She further stated she did not envy the job of the Board of Supervisors. She stated that she, like all of us, have had dreams of things we would like to accomplish in life. For some however, they come too late, the timing is off. She is referring to the industrial park. She continued by comparing this to the General Electric plant in Lynchburg, which began as a industrial park but had now become part of Liberty University. She has not heard anything about jobs or lack of them. Let's not fool ourselves, now is the time for reality – the United States is becoming a service nation. A nation that will provide some technology and a lot of service to other nations. The leading employer in the United States is Wal-mart, second is Krogers, and third – the health industry.

She read several quotes from the newspaper insert – "Region 2000 Business". There was not one mention of Appomattox, it was all about Lynchburg. There were fifty (50) business permits issued in May – not one industrial.

The people that have been trying to sell us on the water line project do not see Appomattox as she sees it. She feels that the 460 corridor is going to be the down fall of Appomattox.

Dr. Siano also remarked on a newspaper article on Ms. Ora McCoy, her ability and influence and she can assist us in obtaining grants. She closed by saying that she carries the burden of loving her neighbor.

Mr. Carter next called **Gary Warner** to address the Board: Mr. Warner is appearing regarding his application for rezoning Freedom Ridge Retirement Community.

Mr. Warner began by stating that the Town denied his request to have water and sewer connections to this property. In view of this decision, he will have to provide private water and sewer systems. He has been informed that this property is suitable for a septic system. He is proposing to install 250 units over a five (5) year period of time, installing 25 to 30 units at a time.

Mr. Moore questioned the use of Town sewer lines to this project. Does the Town have the capacity to provide this without providing water. There was some discussion regarding the monthly rental fee, the cost of the homes, and who would be responsible for monitoring the conditions of the contract, i.e. one owner must be at least 50 years of age and no residents under 18 years of age.

Mr. Carter stated that this petition has been discussed for almost a year and he does not feel a lot of progress has been made. He still would like to see all the schematics, the ability to have water, and attributes of this nature which are most prudent to the County before a decision can be made to approve this request.

Mr. Overstreet suggested that some of the newer members of the Board should be aware of the legal implications of what happens and what criteria is used in making this decision. He further suggests that this be discussed in closed session.

The Board by consensus, tabled action on this issue until after the closed session.

Mr. Carter next called **Kevin O'Brien, Chairman of the Planning Commission** to address the Board. Mr. O'Brien would like to discuss the Planning Commission's recommendation concerning a Shrink/Swell Soil Policy.

Mr. O'Brien stated he has spoken with Mark Davis of the Natural Resources Conservation Service regarding the types of soil present in the county – Airdale and Mecklenburg. Mr. Davis also provided a transparent overlay map so these soils can be identified easier. The Planning Commission researched policies of other counties in the region and decided to adopt a map-based plan similar to one Farmville has in place where soil samples must be taken if shrink/swell soil is found within 300 to 500 feet of site.

After some discussion, Mr. Craft made a motion, seconded by Mr. Moore, to adopt the following Shrink/Swell Soils Policy as recommended by the Planning Commission on March 15, 2004:

Shrink/Swell Soils Policy

Prior to the issuance of a building permit for construction on dwellings, commercial and industrial uses, the Building Official shall locate the property and building site on the soil map drafted for Appomattox County. The soil of the property shall be identified in the Soil Survey of Appomattox County, Virginia provided by the USDA (United States Department of Agriculture) and NRCS (Natural Resources Conservation Service). If the soil check indicates the presence of significant shrink swell potential within 500 feet of the building site, the permit applicant shall then be required to contact a Soil Scientist. The soil scientist shall classify the soil according to the Unified Soil Classification System. The determination of the soil scientist shall be put into writing and submitted to the Office of Building and Housing.

If the presence of significant shrink swell soil is not located on the soil map but is found during an inspection by the Appomattox County Building Official, the Building Official has the right to then require a soil scientist to be contacted.

When soils are found to be expansive, the applicant must meet with the Building Official to determine a solution which shall be in accordance with Section R403.1.8 of the Residential Building Code. A copy of this code can be obtained from the Office of Building & Housing.

VOTE: Mr. Conrad, aye; Mr. Craft, aye, Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent).

Mr. Carter next called for action on the **ADMINISTRATIVE ITEMS: (Items 1-17)**

1. **Scope of Work for Water Project & Agreement with Region 2000 Regional Commission:** We have received the Region 2000 Regional

Commission Scope of Work for Appomattox County/Town Water Supply Project and the Region 2000 Regional Commission Agreement for services of Project Management for the Route 460 Water Line Project.

Mr. Carter stated that within the scope of this literature in regards to the agreement, there are a lot of measurables here. A lot of things that are within the scope of supply: investigations, collection of data, etc. All of that, is in the frame work of this scope of work that has been identified by Region 2000 Regional Commission.

We are here to vote tonight on whether to continue the evaluation of this project being defined as: collecting all the necessary data, to make a conscientious decision on what Appomattox County is going to do in regards to water. Before we can do that we need to have all the data put before us so we can make this determination.

After some discussion regarding the alternatives and seeking additional funding, Mr. Moore made a motion, seconded by Mr. Conrad, to proceed with the Region 2000 Scope of Work for the Appomattox County/Town Water Project & Agreement with Region 2000 Regional Commission contingent upon the County Attorney's review for legal terms and verbiage. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. **Planning Commission Member Appointment:** Kevin O'Brien's term on the Planning Commission expired 6/1/04. Mr. O'Brien's appointment is from the Piney Mountain District. Mr. O'Brien is willing to serve for another four year term.

Mr. Moore made a motion, seconded by Mr. Conrad, to appoint Kevin O'Brien to serve another term on the Planning Commission, said term to expire on June 1, 2008. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

3. **Carver-Price Alumni Association, Inc:** The Carver-Price Alumni association is requesting use of the Carver-Price Educational Complex on August 27, and August 28, for an all-school reunion.

There was some question regarding insurance for this event. The School Board covered this under their policy last year.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve Carver-Price Alumni Association the use of the Carver-Price Educational Complex on August 27 and 28, 2004, pending their securing Special Events Insurance coverage.

VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

4. **FY2005 Budget Adoption and Appropriations Resolution:** Unless there are some last minute changes to the FY2005 budget it is ready for adoption. Also the appropriations resolution for FY2005 needs to be adopted.

Due to the fact that Mr. Armbrust is not present at tonight's meeting. Mr. Carter requested that this item be tabled until June 21, 2004.

5. **War Memorial:** This item is in regards to the dedicating of a site in Courthouse Square for the war memorial, proposed by Mr. Wayne Phelps.

Mr. Conrad stated that this was discussed at the last meeting. Mr. Conrad suggested that Mr. Phelps be given a period of approximately 3 years to raise funds for this project before a specific site will be designated.

Mr. Moore feels that in order for these funds to be raised, Mr. Phelps needs to know that the site will be available.

Mr. Overstreet questioned ownership of the memorial. He also feels a resolution is needed to express the intent of the Board that this memorial be placed in the Courthouse Square.

Mr. Conrad made a motion, seconded by Mr. Craft, that the Board pass a Resolution of Intent for the placement of a war memorial in the Courthouse Square. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next presented the **Consent Agenda: (Items 6-17)**

6. **Approval of Bills:** Please approve bills as presented for payment.
7. **Approval of Minutes:** Please approve minutes for Budget Work Session 5/11/04; Special Called Meeting on 5/14/04; Joint Meeting & Public Hearing on 5/17/04; Joint Meeting Town Council on 5/20/04; and Public Hearing FY2005 Budget on 5/24/04.

SUPPLEMENTAL APPROPRIATIONS:

8. **Appomattox County School Board:** Please approve supplemental appropriation for \$458.09 for expenses incurred at the old elementary school for court and recreational purposes.
9. **Sports Complex:** Please approve supplemental appropriation and transfer funds from the Sports Complex Account:

7101-7000 Capital Outlay \$16,352.58

- 10. Sheriff's Office:** Please approve supplemental appropriation for overtime – working school activities and grant received for purchase of video equipment.

3102-1002	Regular Overtime	\$ 409.06
3102-7001	Equipment	\$5,299.00

- 11. Library:** Please approve supplemental Appropriation in the amount of \$703.83.

7301-5411	Books	\$ 84.86
7301-5415	Summer Reading	230.97
7301-5401	Office Supplies	103.75
7301-3002	Professional Services	284.25

- 12. Comprehensive Service Act:** Please transfer \$1,250.00 from the CSA account to General Operating Fund and supplement to 5310-3001.

- 12. E-911:** Please appropriate \$41,160.00 to professional services for 911 address markers:

3606-5417	Signage	\$41,160.00
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LINE ITEM TRANSFERS:

- 14. Treasurer's Office:** Please approve line item transfer in the amount of \$1,919.86:

From:	1213-5415 Tax Tickets	\$1,919.86-
To:	1213-5201 Postage	717.56+
	1213-5401 Office Supplies	271.25+
	1213-5501 Mileage	112.40+
	1213-5504 Travel	564.17+
	1213-7002 Furn/fixture	254.48+

- 15. Sheriff's Office:** Please approve line item transfer in the amount of \$10,480.39:

From:	3102-1001 Salaries	\$10,480.30-
To:	3102-5408 Veh Power Supp.	7,006.20+
	3102-1003 P/T salaries	1,000.00+
	3102-5401 Office Supplies	631.07+
	2107-1001 Salaries	994.77+
	3102-5203 Telephone	848.35+

- 16. General District Court:** Please approve line item transfer in the amount of \$260.00:

From: 1101-5804 Operating Reserve \$260.00-
 To: 2120-5203 Telephones \$260.00+

17. Library: Please approve line item transfers in the amount of \$5,500.00:

From: 7301-5411	Books	\$5,500.00-
To: 7301-5203	Telecommunications	1,000.00+
7301-5201	Electrical Services	700.00+
7301-3002	Professional Services	1,780.00+
7301-7001	Equipment	1,500.00+
7301-7002	Furniture/fixtures	360.00+
7301-5504	Travel/Conv.	80.00+
7301-5503	Travel/Meals	80.00+

Mr. Craft had a question pertaining to a bill for the landfill and also the Historical Society. Mrs. Ferguson explained these bills to his satisfaction.

Mr. Conrad made a motion, seconded by Mr. Moore to approve the **Consent Agenda** as presented. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes and 1 absent)

Mr. Carter stated the need to enter into closed session in regard to §2.2-3711-A.6 - Investment of Public Funds (competitive solutions) and §2.2-3711-A.7 - Consultation with Legal Counsel.

Mr. Overstreet stated he would like to make a statement for the public as well as the news media as to why a closed session is necessary. This is in regard to the procurement of the telephone system for the Courthouse Complex. This was placed on competitive bids where we received proposals. In looking at these proposals, we determine which proposal is best suited to our needs, not necessarily the lowest bid. Negotiations can then be made with the suppliers. Due to time restraints, administration will need some guidelines as to the negotiations and who to negotiate with and on what basis and price. If this discussion were held in open session it will not help us very much with negotiating. Therefore, he is asking that this discussion be held in closed session under §2.2-3711 A.6 - Investment of Public Funds - (competition or bargaining is involved and public disclosure would jeopardize the County's or Town's bargaining or negotiating position) and §2.2-3711-A.7 Consultation with Legal Counsel deals with the discussion of Freedom Ridge Retirement Community request for re-zoning.

Mr. Hamlett with the Times-Virginian voiced his objection to the closed session on the zoning matter.

The Board then decided to discuss the re-zoning of property for Freedom Ridge in open session.

At 7:49 p.m. Mr. Conrad made a motion, seconded by Mr. Craft to enter into closed session for the purpose of discussing a legal issue under §2.2-3711 A. 6 – Investment of Public Funds. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

At 8:19 p.m. Mr. Moore made a motion, seconded by Mr. Craft, to return to open session. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then read the following certifying statement:

WHEREAS, this Board convened in a closed meeting under § 2.2-3711-A.6 of the Code of Virginia, for the purpose of discussing the investment of public funds (competitive bargaining) telephone system for Courthouse Complex.

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting. I Call the Question:

ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter asked if there was any action to be taken as a result of the closed session.

Mr. Carter made a motion to authorize staff to make contact with Dominion Voice & Data, Inc., and COMworld for a new telephone system and install voice and data cable, and the authority to award and enter into a contract. Mr. Moore seconded the motion. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Overstreet stated that the item he wanted to discuss was one he had not had a chance to talk with the Board about. In zoning issues when the Board is considering re-zoning property, the law has been pretty clear over the years, that the courts do not favor taking a sole issue and making a zoning decision on it. For example, the Board cannot use aesthetics and have that as the sole reason for denying something that otherwise would be a good zoning decision. The courts, over the years, have felt the same way about public utilities. He thinks it is fair to say that the courts do not approve taking a single issue and rendering your decision based upon utilities. The Attorney General issued an opinion in 2003 where he stated that something to the effect that, localities may not deny

these re-zonings strictly on the basis of inadequate public facilities. He wanted to inform the Board of this because your decision, which ever way it goes, can be appealed by either the developer or a citizen who feels they may be grieved by the Board's decision. You may need to look at the Comprehensive Plan and see what it says about development. You can consider things like aesthetics , density, what is the surrounding area like and how will this be compatible to the area. You need to take into consideration the public utilities, but this should not be your sole reason for making your zoning decision.

Mr. Carter then read the Planning Commission's recommendation dated August 28, 2003: "For reasons of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend that the petition of Courtland Realty/S.L. Ferguson, III to re-zone a parcel of land located off Route 26 near U. S. 460 and Town limits from A-1 Agricultural to R-2 General Residential, be approved by the Appomattox County Board of Supervisors". (Planning Commission vote: 7-2-1). Since that time, there as a lot of discussion between the Town and County in regards to the collection of information by the petitioners of the wants and needs of the Town and the County. To the best of his knowledge, Mr. Warner has now satisfied all of these. Mr. Carter, himself, did not want to see this go into operation because of the water situation. But, from what he has just heard and the best interest of the county, he would most likely vote to grant this re-zoning request.

Mr. Spencer explained that there were two elements to this petition: Re-zoning from A-1 to R-2 and a Conditional Use permit with conditions as stipulated by the Planning Commission.

Mr. Craft made a motion, seconded by Mr. Moore, to approve **Petition #03-523- Courtland Realty/S.L.Ferguson, III** for re-zoning a parcel of land located off Route 26 near U. S. 460 and Town limits from A-1 Agricultural to R-2 General Residential as set forth by the Planning Commission in it's August 18, 2003 recommendation to the Board of Supervisors. Mr. Warner, the developer, has agreed to resubmit an application for Conditional Use with changes as noted by the Planning Commission (Item 3 – Delete - Development must be served by public water & sewer and #5 – age limit raised to 55). VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter then called for **Supervisor Concerns:** Mr. Conrad stated that we have a lot of good people who volunteer for a lot of things. They are certainly concerned about making the County better and he feels all intentions are good. However, we have some situations where people are taking it upon themselves to think about public property in such a way as when they see something that needs to be fixed, repaired or modified, they do so without seeking approval.

This is good, but can certainly be a liability problem if someone has an accident. It is his suggestion that we require anyone that wants to do any work on any county property, that they need to go through the Administrator's Office and get the proper approval before repairing or modifying anything on such property. He also advocates that a letter be sent to anyone that we are aware of that is currently involved in this activity that nothing further is to be done on County property without proper authorization.

Mr. Conrad made a motion, seconded by Mr. Craft, that anyone wishing to do volunteer work on County property such as repairs and/or modifications, must have written authority from the County Administrator before beginning such work. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Moore had several change orders that needed to be approved for the Courthouse Project.

1. The cost of the brick was more than the original bid. Change Order in the amount of \$5,236.66. He was under the impression that this change order had already been approved.

Mr. Craft made a motion, seconded by Mr. Conrad, to approve the change order for the cost of brick for the Courthouse project in the amount of \$5,236.66. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. Change order for elevators: We only had heat detectors in the elevator shafts. We are now required, by code, to have both smoke and heat detectors at a cost of \$5,293.80.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the change order in the amount of \$5,293.80 for the heat/smoke detectors in the elevator shafts. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

3. Change order for Shutters: The shutters for the Courthouse were ordered on the same contract as the fiberglass cornices for the building – white. The contract did not specify the color of the shutters. They now have to be painted green to match the other shutters in the Courthouse Complex. The cost of painting the shutters will be \$1,515.00.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve change order in the amount of \$1,515.00 for painting the shutters. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Ms. Ferguson stated that she is still campaigning for the brick wall to be placed in front of the panel of meters near the entrance to the Courthouse. She has been given a rough estimate of \$2,500.00 for construction of this wall. The bulletin board could then be placed on this wall as opposed to being placed on posts. Mr. Conrad is in agreement with her that this is unsightly and should be covered in some way. The Board agreed to have this wall put in place.

Mr. Carter said he had been approached by a county employee regarding the deterioration of the sidewalk near the entrance to the Treasurer's/Commissioner of Revenue's Office. This seems to be a safety hazard.

Ms. Ferguson stated that there are several safety hazards in and around the Courthouse. Basically all the old sidewalks are in terrible shape and should be taken up and redone. The steps leading from the upper level to the parking lot at the Administration Building are also deteriorating. She would like to have these taken up completely. She is also suggesting that the sidewalk at the Treasurer's Office be taken up and the area seeded with grass.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the construction of the brick wall in front of the meter panel and the removal of the sidewalk at the Treasurer's Office. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 18-23)

- 18. Animal Control:** Review of latest inspection report for the pound.
- 19. Department of Health:** Information on application modification of stabilized sewage sludge in the county.
- 20. School Board Financial Report:** Financial Report for the Month of May 2004.
- 21. Robert E. Lee Soil & Water Conservation District:** Minutes of the Board of Directors meeting on April 22, 2004.
- 22. Appomattox Town Council:** Agenda for meeting on May 25, 2004.
- 23. Letter from Concerned Citizen:** Letter from Mrs. Russell B. McCormick concerning the proposed 460 water line project.

Upcoming meetings

June 21, 2004

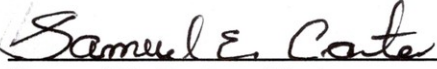
Regular Meeting of the Board

And Joint Public Hearing on the Proposed Solid Waste Plan

Town Council Chambers – Town Office

6:30 p.m.

Mr. Craft made a motion, seconded by Mr. Conrad, to recess until 6:00 p.m. on June 15, 2004 at the Town Office for the purpose of discussing the FY2005 budget. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)


Samuel E. Carter, Chairman

On Tuesday, June 15, 2004 the Appomattox County Board of Supervisors held a recessed meeting from June 7, 2004, in Council Chambers at the Appomattox Town Office, located on Linden Street, Appomattox, VA. 24522. The purpose of this meeting was to discuss the FY2005 Budget.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT: Aileen T. Ferguson, County Administrator

At 6:00 p.m. Mr. Carter reconvened the meeting from June 7, 2004 and asked for a motion to return to open session. Mr. Conrad made a motion, seconded by Mr. Craft, to return to open session. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye.

Mr. Carter then gave the invocation.

Mr. Carter then called Mr. Monty Mays, Commissioner of Revenue, to address the Board.

Mr. Mays provided each Board member with a handout. Mr. Mays stated that for the past four (4) years his employees have been working from one hour to one and one-half hours extra each day to get the personal property book out on time. The last time he asked for an additional employee was in 1992, due to double billing. The work load in his office has increased tremendously. He explained the process of transferring property, measuring new construction, the assessing of vehicles, mobile homes, the new E-911 address system, etc..

Mr. Mays explained that with the next reassessment land values will double. The reason for this increase is because the last reassessment was not done properly. Land values were understated. The farmers and land owners are going to want to go to land use. Going to land use will entail a lot of work. The Commissioner's Office must be prepared for this. He is currently training one of his employees to help with real estate transfers and new construction. He spends about eight (8) weeks, with the help of a deputy, to do new construction. Taxes can only be assessed on completed construction projects unless the Board adopts an ordinance.

There were some questions regarding the necessity of having someone accompany Mr. Mays when assessing new construction and real estate transfers. Also is it mandated that the Commissioner's Office fill out State taxes? Why do Federal taxes?

Mr. Mays explained that he was required to process State tax returns. He also stated that he does Federal taxes because he inherited it when he took office and also it was a campaign promise early in his career.

Mr. Mays stated he is requesting a new full time position for his office. He would then only need \$7,500.00 part-time money for FY2005 to have someone answer the telephone during tax season.

Mr. Carter thanked Mr. Mays for his input and commended his office for the job they do.

Mr. Carter next called Dr. Krug, Superintendent of Appomattox County Schools to address the Board.

Dr. Krug stated that the School Board had worked hard to present a budget that would start to make some course corrections. The Board of Supervisors has been very patient with them in trying to understand the plight they were in and the course they have been going in for the past few years. The School Board put together a budget they felt would start to address some of the issues and presented a budget that would do just that. They have a little flexibility now with the rates for Blue Cross/Blue Shield, with the new rates they will save about \$100,000.00 in this year's budget.

Ms. Ferguson called attention to a chart that came from the State in which they talk about funding and what the County has to do in order for the schools to receive maximum State Funding. In reviewing the last budget presented by the School Board (dated May 24) she would say that just about everything addressed on the chart is addressed by this budget. It is exactly as shown except for the debt service which we have not looked at. You are funding roughly \$489,695

over and above what is required to meet all the requirements to get the maximum State Funding. There may be another \$30,000 to play with. The budget shows exactly what the School Board is doing. There has been a lot of talk about a new "pot" of money. Additional funding came in from sales taxes after the Legislature finally passed a budget. If the County has been funding the School over and above what is required to meet the matches, part of that money was to come back to the County. We did not meet those needs, and we are not entitled to any money back. (Mr. Perrow explained all the variables involved with this revenue).

Mr. Carter stated that our educational system, during the period he has been on the Board, has suffered from a lack of funds basically due to the economy of the nation, as well as the state. To see almost a million dollar increase really brings him joy. Unless we pay a decent salary, we will not keep good, qualified teachers and instructors. He also congratulated the County Administrator on being able to figure out a way for this to happen, without raising the taxes of our local citizens. But, we are going to take a hit on various other departments or other projects. This is the first time in years we have had the opportunity to do something that is good. We will be taking away from our reserve in order to do so.

There was some discussion regarding law enforcement needs, and the building of an animal shelter. If we do not begin construction of the animal shelter, we will be facing stiff penalties from the State.

The final question remains – how much can be cut from the School Board's Budget and still allow the salary increases to school employees?

Dr. Krug stated if they had to cut anything, they could cut the new buses and after that, the next step would be positions. They feel they have a good working relationship with this Board and they do not want to do anything that would put this in jeopardy.

The final decision was to reduce the School Budget by \$233,000.00. This would allow for the purchase of two (2) new buses and also allow money for the construction of a new animal shelter. Everyone seemed to be comfortable with this.

Mr. Carter thanked Dr. Krug and the School Board for their cooperation and understanding.

Ms. Ferguson stated there were a few items that the Board needed to consider.

She has developed two (2) job descriptions for review, one being the E-911 Coordinator. She will ask for approval of these at the next meeting.

Stonewall Vineyard is requesting a Musical Entertainment permit for Saturday, June 19, 2004. Everything appears to be in order, they were just late in submitting their request.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve Stonewall Vineyard's request for a Musical Entertainment permit and waive the bond for Saturday, June 19, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

The Virginia Association of Counties will hold their annual conference on November 7-9, 2004 at the Homestead. They are holding rooms for our County and we need to let them know if anyone will be attending. Be prepared to give Ms. Ferguson an answer at the June 21st meeting. She feels this is a worth-while meeting for Board members to attend.

There was a lot of discussion regarding the Commissioner of Revenue's request for a new position.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to not approve a new position for the Commissioner of Revenue's Office. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

A change order for tile in the communications room at the new courthouse in the amount of \$617.00 has been received. This tile is necessary because of friction. Mr. Moore is recommending that this change order be approved.

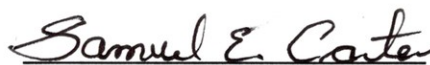
Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve a change order in the amount of \$617.00 for tile to be installed in the communications room. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Craft made a motion, seconded by Mr. Conrad, to reduce the School Board Budget by \$233,000.00. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

There was some discussion regarding the use of Grant funds for the Region 2000 Water Study project. Ms. Ferguson will check into this and get back to the Board at a later date.

There was a lengthy discussion about the misconceptions the citizens form after reading articles in the newspaper.

At 7:22 p.m. Mr. Craft made a motion, seconded by Mr. Conrad, to ajourn.
VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, June 21, 2004 the Appomattox County Board of Supervisors held it's regularly scheduled meeting and a Public Hearing, on the Solid Waste Management Plan for the County of Appomattox and Town's of Appomattox and Pamplin, in Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA. 24522.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson - Appomattox County Administrator
J. O. Overstreet – Appomattox County Attorney

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Moore to give the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

Two items were added to the agenda.

- 6-A Carver Price Alumni
- 6-B Old Appomattox Elementary School Agreement

Mr. Carter stated the next item on the agenda was **Citizen's Public Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Mr. Carter then called the first person to address the Board:

Dr. Betty Siano: In just 13 days, we will celebrate the nation's greatest holiday – July 4th, Independence Day. Flags will fly, speeches will be made on courthouse steps or along parade routes. Those who gave their very lives will be honored and on the 5th of July, it will be business as usual for the concerned citizens of Appomattox County, who continue to be assailed by promises that our County Board of Supervisors are not committed to anything but finding a cost for a waterline along Route 460 and therefore, we should have no fear of our dependence on Lynchburg for water. Dependence upon anyone but ourselves, should not be tolerated. Information gleaned by people who have a conflict of interest in the matter should be dismissed, deleted or left out of any decision made. The makeup of Region 2000 and the fact that Wiley & Wilson are consulting engineers who will probably be assisting in building the waterline is enough to make anyone quake. Mr. Armbrust, Mr. Conrad and Mr. Craft, you could be the right men, in the right place, at the right time. You young men have inherited much of the problems we have been discussing. Deals were made prior to your coming on the Board, but now it is your turn to show your moral strength, your dedication to right, your good judgment and your coolness under pressure. You were elected to protect the citizens of the County. We should have confidence in you and should feel very good about you. You will not be pressured into anything. Vote your conscience so that past commitments by others will not be blamed on you. We have petitions that are growing – we the taxpayers are tired of the "get used to it" attitude that has been displayed in the past. We are not going to go away, we will be back, and back, and back. This time our independence is at stake. We will not be part of a water authority in which Lynchburg decides how much we will pay. The taxpayers are relying on you, Mr. Armbrust, Mr. Conrad and Mr. Craft to restore our pride, confidence and respect for the Board of Supervisors. Make this Independence Day really meaningful.

Mr. Jesse Rosser: Mr. Rosser began by stating he had not intended to speak tonight but after writing so many letters in opposition to the water line – he felt he would be remiss if he did not tell you in person that he is vehemently against the 460 waterline. Anything else he may have to say, would just be parroting what Dr. Siano has already said. She has basically said it all. Most of the citizens do not want this waterline.

Mr. Frank Mara: On a lighter note, I would like for you to look into the licensing of dog kennels. From what I understand, you can pay \$25.00 and you can have twenty (20) dogs. If you pay \$35.00 and you can have fifty (50) dogs. I think it should be up to the neighbors to see if the kennel would be allowed. The neighbors should have the ruling over barking dogs, especially from midnight to 6:00 a.m. I think it is totally ridiculous that we have nothing to say. He has a letter from one of his neighbors and he too, misses a lot of sleep because of barking dogs. There should have to be more to getting this license

than going to the Treasurer's Office and paying your money. When everyone had a farm this was fine, but now that there are so many residential neighborhoods this is not good.

Mr. Carter asked if anyone else present wished to address the Board.

Mr. Carter next called attention to the **ADMINISTRATIVE ITEMS:** (Items 1-6)

1. **Appomattox Youth Sports, Inc.** The Appomattox Youth Sports is requesting the use of the fields at the old elementary school for little league football and cheerleading practice. They will provide a certificate of insurance.

Mr. Carter stated this was something that had been ongoing for the past several years and since the school property will be turned back over to the County in June, this letter is being addressed to the Board.

Mr. Conrad made a motion, seconded by Mr. Moore, to approve Appomattox Youth Sports, Inc. the use of the grounds at the old elementary school for little league football and cheerleading practices. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **FY2005 Budget and Appropriations Resolution:** The FY2005 Budget is ready for the Board to adopt and the Appropriations Resolution approved.

Mr. Carter called the Board's attention to a couple of changes on the Appropriations Resolution:

1101 – Board of Supervisors change \$254,131.00 to \$274,131.00

3203 – Volunteer Rescue Squads change \$40,700.00 to \$20,700.00

This does not change the total as some money was put in 3203 that should have been put in 1101.

Mr. Conrad stated that since the Board has been working on the Budget for some time now, he made a motion that the Board adopt the FY2005 budget as presented and approve the Appropriations Resolution. Mr. Craft seconded the motion. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter again commended Ms. Ferguson for putting together the Budget without any tax increases.

3. **Carry Over Fund to FY2005:** The Library has requested that \$1,476.44 be rolled over from the FY2004 budget to the FY2005 budget. These funds consist of donations made to the Summer Reading Program.

Ms. Ferguson informed the new members of the Board that some organizations and individuals donate money to special funds and these funds are rolled from year to year.

Mr. Moore made a motion, seconded by Mr. Craft, to approve the carry over of \$1,476.44 from the FY2004 library budget to the FY2005 budget. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye and Mr. Carter, aye. (5 aye votes)

4. **County of Charlotte:** The Charlotte County Board of Supervisors is requesting that the Appomattox section of Route 725, south of Pamplin (Tower Road) be re-named to eliminate confusion with Charlotte County's Route 691 (Tower Road) and Route 638 (Wheeler's Spring Road). This will allow the residents of both ends of Route 725 to receive timely and accurate responses to E-911 calls.

After some discussion, Mr. Armbrust made a motion, seconded by Mr. Conrad to have the E-911 Coordinator handle this request. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

5. **Resolution Celebrating the 150th Anniversary of the Evergreen Community:** The Community of Evergreen will be celebrating their 150th anniversary on August 14, 2004 and the Board would like to acknowledge this special event.

150th Anniversary of the Evergreen Community

Whereas, the Appomattox County Board of Supervisors recognizes the values that communities instill in the lives of the residents; and

Whereas, the Appomattox County Board of Supervisors feel that it is important to recognize and celebrate the milestones reached by such communities; and

Whereas, the Appomattox County Board of Supervisors wishes to share in this important event;

Now, Therefore, Be It Resolved, that the Appomattox County Board of Supervisors recognizes August 14, 2004 as the 150th Anniversary of

the Evergreen Community and encourages Appomattox County residents to participate in the celebration.

Mr. Conrad made a motion, seconded by Mr. Craft, to adopt the above resolution in support of the Community of Evergreen celebrating its 150th Anniversary. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 6. E-911 Communications Center Coordinator and Payroll Clerk/Office Assistant Job Descriptions:** On June 15th each Board member was given a copy of each of these job descriptions for review, approval and for inclusion in the Personnel Policies and Procedures Manual for Appomattox County. The E-911 Communications Center Coordinator would be entered in the pay scale at a grade 21. The Payroll Clerk/Office Assistant would be entered in the pay scale at a grade 8.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve the job descriptions and pay scale for the E-911 Communications Center Coordinator and the Payroll Clerk/Office Assistant as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 6A. Carver- Price Alumni Association:** Ms. Ferguson informed the Board that the Alumni Association has asked to be allowed to do tours of the school on their week-end event that was approved at the last meeting. One person would be responsible for these tours and make sure everything was kept in order. The Alumni Association did these tours last year.

The Board agreed by consensus to allow tours during the Carver-Price All School Reunion.

- 6B. Old Appomattox Elementary School Agreement:** You have a handout that lists seven (7) different items from the School Board that the County Administrator and the County Attorney worked with them in regard to this agreement. Under #2 – change the word “ship” to “shop”. Mr. Carter had one thing he wanted to inquire about - #7 School Board will not be responsible for the property or liability insurance, upkeep, maintenance or utility costs of the buildings or grounds effective July 1, 2004. What he would like to see, with the Board’s recommendation is, if the School has the resources and the equipment that they continue to mow the grass or lawn maintenance, for the time frame stated – 3 ½ years.

Mr. Overstreet stated that the sticking point in their discussion was the Memorandum of Understanding – the second part. This is not a part of the lease. This was submitted as a separate document, but a lot of these elements needed to be in the lease but they did not have a time period. In discussing this with staff, we came up with the 3 ½ years, so as to have a time period to go by. What they originally said, was that they would stay in the facility until they had a facility, which left this open-ended. We put 3 ½ years. In this Memorandum of Understanding they are asking that the Board assist them in obtaining another facility, provide the funding and not reduce their operating budget by this amount. This would not be binding on this Board, it would show what your intent is at this time. In addition to the lease, they are asking for a "good faith" gesture from the Board, which would be non-binding. If you are not willing to do this, then we will need to talk with them again.

Ms. Ferguson explained that the Board is basically doing two (2) documents – a lease for those sections and buildings the School Board will be needing. The second document is the "Memorandum of Understanding" which talks about the replacement facilities.

Mr. Overstreet will incorporate the Board's suggestions in a new document, present it to the School Board, and let them review it and the Board will discuss at the July meeting.

At 7:05 p.m. Mr. Carter called for a 5 minute recess, then reconvene after the Public Hearing.

At 7:15 p.m. Mr. Carter reconvened the regular meeting.

Mr. Conrad made a motion, seconded by Mr. Moore to Adopt the Solid Waste Management Plan as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called **Reed Johnson – Appomattox National Historical Park and Jim Klein of Lardner Klein Associates** to address the Board:

Mr. Johnson and Mr. Klein requested to meet with the Board to give an update on the General Management Plan for the park and also to review a proposal for alterations on State Route 24 as it passes thru the park.

Mr. Johnson and Mr. Klein presented a slide presentation as well as handing out a brochure on the draft General Management Plan. All of the parks are required to have a management plan but in reality only about 25% of them have one in place. There are plans for changes to Route 24 such as: the establishment of distinct transition speed zones from 55 to 45 to 35 mph approaching the park from the north; reducing travel lane widths to 10-feet corresponding to the 35 mph speed zone; enhancement to each of the park gateways to more clearly

delineate the entrance to the park; and physically change the roadway to slow drivers down by deflecting the vehicle path around a series of islands at key intersections; markings for pedestrian crossings and minimizing long-straight roadway sections. They also welcome input and suggestions on ways to make the Historical Park a safe and interesting place to come and spend more time in and around Appomattox.

At 7:55 p.m. Mr. Carter called for a five (5) minute recess.

At 8:00 p.m. Mr. Carter reconvened the meeting and called for action on the **CONSENT AGENDA:** (Items 7 – 17)

7. **Approval of the Bills:** Please approve bills as presented for payment.
8. **Approval of Minutes:** Please approve minutes of the Regular meeting of June 7, 2004.

FUND TRANSFERS:

9. **Revenue Maximization Fund:** Please approve transfer of \$18,095.00 from the Revenue Maximization Fund to the General Operating Fund to cover expenses incurred by CSA.

SUPPLEMENTAL APPROPRIATIONS:

10. **Board of Supervisors:** Please approve supplemental appropriation of \$3,598.32 to cover retiree benefits. This represents insurance premiums that are paid by retirees.
11. **Sheriff's Department:** Please approve supplemental appropriation of \$1,267.10 to cover overtime in the Sheriff's budget. Funds were reimbursed by the Department of Justice.
12. **E-911:** Please approve supplemental appropriation of \$31,477.15 for address markers for E-911. Funds will be transferred from the E-911 fund with your approval.

LINE ITEM TRANSFERS:

13. **John K. Spencer:** Please transfer \$1,925.00 from 8105-6008 Marketing to 1201-7001 – Equipment – for new computer screens for administrative offices.
14. **Board of Supervisors:** Please transfer \$200.00 from professional services to salaries.

Please transfer \$272.00 from operating reserve to Volunteer Fire Department budget to pay fire fighter's policy.

Please transfer \$19,735.00 from Health Insurance to various departments to cover increase in premiums.

15. **Treasurer's Office:** Please transfer \$3,003.45 from tax tickets to postage and office supplies.
16. **County Administration:** Please transfer \$7,000.00 from Zoning & Subdivision budget – Salaries to the County Administrator's budget to cover increase given to Assistant County Administrator for additional responsibilities.
17. **Library:** Please transfer the following as requested by Library Director.

Deduct:	7301-2002 VRS	\$2,200.00
	7301-2003 Blue Cross	800.00
	7301-5415 Summer Reading	153.00
Add:	7301-1001 Salaries	\$2,200.00
	7301-1003 Part-time Salaries	800.00
	7301-5401 Office Supplies	153.00

Mr. Moore made a motion, seconded by Mr. Armbrust, to approve the **Consent Agenda** as written. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

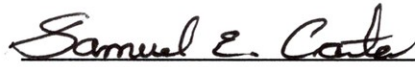
Mr. Carter next called for **Supervisor Concerns:**
There were no Supervisors Concerns.

Mr. Carter next called attention to the **Informational Items:** (Items 19-22)

19. **Appomattox Parks, Recreation and Tourism Department:** Mrs. Dixon has submitted her monthly report.
20. **E-911:** Report provided by Timmons on the E-911 addressing.
21. **Industrial Development Authority Letter:** The IDA has passed a resolution of support for the 460 Waterline.
22. **Appomattox Town Council:** Agenda for meeting held on June 14, 2004.

Upcoming Meetings
July 6, 2004
Regular Meeting of the Board
Town Council Chambers – Town Office
6:30 P.M.

Mr. Craft made a motion, seconded by Mr. Moore, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, June 21, 2004 the Appomattox County Board of Supervisors, the Pamplin Town Council and the Appomattox Town Council held at Public Hearing regarding the Solid Waste Management Plan for the County of Appomattox and the Town's of Appomattox and Pamplin.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Pamplin Town Council)

Robert Mitchell – Mayor
Susan W. Hudson
Robert Johnson
Ronald Franklin

ABSENT: (Pamplin Town Council)

Delois DeMuth
Ruth Williamson
Melissa Harvey

PRESENT: (Appomattox Town Council)

Ronald Spiggle, Mayor
Marvin Mitchell
Norman Mayberry
Joyce Bennett
Steve Lawson

ABSENT: (Appomattox Town Council)

Lewis McDearmon
W. H. Carson

ALSO PRESENT:

Aileen T. Ferguson - Appomattox County Administrator
Debbie Happel, Clerk – Town of Pamplin
David T. Garrett, Town Manager – Town of Appomattox
J. O. Overstreet – Appomattox County Attorney
Alice Rockefeller – Supervisor, Appomattox County Landfill
Earl Dickerson – Hurt & Proffitt
Jeff Grubbs – Hurt & Proffitt

At 7:10 Mr. Carter opened the public hearing and stated the purpose of the public hearing was to receive comments on the Solid Waste Management Plan for the County of Appomattox, the Town of Appomattox and the Town of Pamplin.

A resolution from the Town Council for the Town of Pamplin has been received requesting to be included in this Solid Waste Management Plan.

Mr. Carter called for comments.

Mr. Earl Dickerson of Hurt & Proffitt stated that in 1993 they prepared the initial Solid Waste Management Plan for Appomattox County and the two (2) towns. The Department of Environmental Quality is now requiring every municipality, (town, city or county) through the State to update these plan by July 1, 2004. You, as the official bodies of the County, have to ratify the plan before we can submit it to DEQ for their review.

The Plan is a generally written plan that outlines your current status of how you handle solid waste in each of your jurisdictions. The Town of Appomattox picks up solid waste and Pamplin hires out to a private hauler. What we have identified in this plan is exactly what is occurring right now. It identifies how waste is handled at the landfill.

The Plan also goes into what the future might be, because we have identified just about every way of handling solid waste that you can think of. But, by no means does it identify that you are going to do Y,X or Z. It only identifies the options that you as a County may want to consider in the future. Mr. Jeff Grubbs put together the plan in 1993 and did the update along with a lot of help from Alice Rockefeller, Solid Waste Administrator for the County of Appomattox. If you have any questions, Jeff or Alice will be glad to answer them. He just pats them on the back for a job well done.

Mr. Carter called for questions or comments.

Hearing none, at 7:14 p.m. Mr. Carter closed the Public Hearing.


Samuel E. Carter, Chairman

On Tuesday, July 6, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting at 6:30 p.m. in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT:

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson, County Administrator
Johnny Overstreet, County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Conrad to give the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

Two items were added to the Agenda:

- #10A – Appointment to Library Board from Wreck Island District
- #17(F) – Department of Criminal Justice System – approval of 3% salary increase for Victim Witness Advocate.

Mr. Carter then called for **Citizens Public Comments Period**. This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

There were no comments to be made at this time.

Mr. Carter next called for the **ADMINISTRATIVE ITEMS:** (Items 1-10)

1. **E-911 Request for Road Name Change:** Charlotte County has requested that we rename Tower Road (Route 725 in Appomattox County) in order to eliminate confusion. After talking with Mr. Godsey, it is recommended that Route 725 (Tower Road) be renamed – Point Road.

Mr. Craft made a motion, seconded by Mr. Armbrust, that Route 725 in Appomattox County be renamed Point Road so as not to create confusion in the E-911 system. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **E-911 Coordinator:** We have advertised for the new E-911 Coordinator position and since it may take several months to get this position filled, we will need someone to continue working with Timmons on this project. Freddy Godsey has agreed to continue with this, at the present compensation of \$1,500.00 per month, until the new coordinator is in place.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to have Mr. Godsey continue as acting E-911 Coordinator at a compensation rate of \$1,500.00 per month until such time a full-time E-911 Coordinator is in place. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

3. **Request for Road Abandonment:** Mr. Reed Johnson, Superintendent, Appomattox Court House National Historical Park is requesting that the County approve the abandonment of Route 710.

Mr. Overstreet stated that the Board would need to use the same procedure that was used recently in the petition to abandonment Route 721. That petition was withdrawn. Notices will have to be posted along the road, as well as placed in the newspapers. Mr. Overstreet will draw up a resolution to be presented at the next meeting. Notices will have to be posted for thirty (30) days and action taken on this resolution in August.

The Board by consensus, tabled action on this issue until the next meeting.

4. **Contract For Services:** Appomattox County has partnered with Campbell County for the past several years to handle certain duties involved with the Comprehensive Services Act. Staff recommends entering into this contract for the FY2005. A meeting is scheduled for 9:30 a.m. on July 7th to review this contract.

After some discussion, Mr. Moore made a motion, seconded by Mr. Armbrust, to contract with Campbell County for duties involved with the Comprehensive Services Act for FY2005. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 5. Contract with Community Services Board:** Central Virginia Community Services is requesting approval of the FY2005 Performance Contract.

Mr. Conrad made a motion, seconded by Mr. Moore, to approve the FY2005 Performance Contract with Central Virginia Community Services Board. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 6. Musical/Entertainment Festival Permit:**
Stonewall Vineyards: Stonewall Vineyards is requesting permission to hold Cooler II on July 19, 2004 from 5:00 p.m. to 8:30 p.m. They are also requesting the bond requirement be waived.

Since this is an event they have been holding for several years, Mr. Moore made a motion, seconded by Mr. Conrad to approve the Musical/Entertainment Permit for Stonewall Vineyards to hold their Cooler II on July 19, 2004 from 5:00 p.m. to 8:30 p.m. and that the bond requirement be waived. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7. Central Virginia Alcohol Safety Action Program:** L. T. Townes, Executive Director for the Alcohol Safety Action Program has informed the Board that W. H. Craft's term on this Board expires August 31, 2004. Mr. Craft is eligible for reappointment and they are requesting he be reappointed.

Mr. Conrad made a motion, seconded by Mr. Armbrust, that Mr. W. H. Craft be reappointed to the Central Virginia Alcohol Safety Action Program for a term beginning September 1, 2004 and ending August 31, 2007. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 8. Courthouse Change Orders:**

- a. Signage:** Chosen signage for Courthouse came in \$1,680.96 above the allowance in the contract.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the change order for the Courthouse Signage in the amount of \$1,680.96. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- b. Circuit Court Clerk's Office Equipment:** Change order regarding furnishings for the Circuit Court Clerk's Records Room.

Mr. Conrad informed the members that at the Furnishings Committee meeting on June 29th, they were presented with the color schemes for the new courthouse. The first floor will have a base green color and the second floor will be blue. The original cost of all the furnishings for the courthouse was \$200,000.00. There is a change order necessary for moving items from the Clerk's Office, plus adding three sections to the high-density files, adding two sections to the Deed Book files and electrostatic paint for everything that will be moved to the new courthouse. This somehow was not included in the original contract. This will increase the total furnishings cost to about \$250,000. This change order is for about \$49,697.00. There will probably be incidentals that may be needed, such as calculators, etc. The Furnishings Committee feels this change order is necessary.

Mr. Conrad made a motion, seconded by Mr. Craft to approve the change order for the Circuit Court Clerk's Office Equipment in the amount of \$49,697.00, bringing the new total for Courthouse Furnishings to \$250,000.00. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- c. **Commonwealth's Attorney Rail:** The Commonwealth Attorney has requested a rail be constructed in his office similar to the ones in the courtroom with a remote release electric strike.

Mr. Conrad stated that this was also discussed at the last meeting of the Furnishings Committee. Based upon that fact that the Commonwealth's Attorney office sometimes has irate people who come into his office after hearings and he would like his secretary to have time to let him know that someone is there to see him. They did not feel this rail would serve the purpose stated and did not recommend this change order.

- 9. **Proposed Ordinance:** Proposed ordinance to assign a utility tax to cell phones. County Attorney has reviewed and suggested changes. Need to set a date for a Public Hearing.

Mr. Overstreet stated that the changes had been made and the ordinance is now ready for a public hearing.

Mr. Craft made a motion, seconded by Mr. Conrad, to hold a public hearing on August 16, 2004 regarding the proposed ordinance to assign a utility tax to cell phones. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 10. Southeast Rural Community Assistance Project, Inc.:** Mrs. Mary C. Terry, Executive Director of the Southeast Rural Community Assistance Project, Inc is requesting a donation of \$1,000.00 to this endeavor.

After some discussion it was the consensus of the Board, that since the FY2005 budget has already been adopted, the request for \$1,000.00 from the Southeast Rural Community Assistance Project, Inc. be denied.

- 10A. Library Board Appointee from the Wreck Island District:** Mr. Armbrust stated that in talking with Clifford Rhodenizer, he was informed that Mr. Rhodenizer's term on the Library Board expired on June 30, 2004 but he would be willing to continue on this board until a replacement could be found. Ms. Nina Beasley has indicated that she would be willing to serve in this capacity. Ms. Beasley's term of office would be June 2004 thru June 2008.

Mr. Armbrust made a motion, seconded by Mr. Craft, to appoint Ms. Nina Beasley to the J. Robert Jamerson Memorial Library Board as the representative from the Wreck Island District, for a term of four (4) years, beginning June, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes.

Mr. Carter next called for action on the **Consent Agenda:** (Items 11-27)

- 11. Approval of Bills:** Please approve bills as presented.
12. Approval of Minutes: Please approve minutes of Recessed meeting of 6/7/04 and Regular Meeting and Solid Waste Management Plan Public Hearing on 6/21/04.

FUND TRANSFER BY 2004:

- 13. E-911 Fund:** Please transfer \$101,459.71 from E-911 Fund to cover expenses incurred in FY2004.

SUPPLEMENTAL APPROPRIATIONS FOR FY2004:

- 14. Circuit Court Clerk' Office:** Please appropriate \$5,923.71 to the Circuit Court Clerk's FY2004 budget to cover costs of indexing equipment purchased in October 2003. Technology trust funds were awarded for this purchase but were never appropriated.
- 15. Sheriff's Department:** Please appropriate \$39.00 to 3100-2001 for FY 2004 to cover funds that were remaining at the end of FY2003 in the DMV Grant. These funds were not expended and had to be returned to the State.

LINE ITEM TRANSFER FOR FY2004:**16. Sheriff's Department:** Please transfer the following:

From:	3102-2002 – VRS	\$248.19
To:	3103-2002 – VRS	\$248.19

SUPPLEMENTAL APPROPRIATIONS FY 2005:**17. Sheriff's Department:**

- a. Please appropriate \$22,699.00 to FY2005 budget to cover expense of automobile that was totaled in accident. Insurance reimbursement was in the amount of \$12,500.00, leaving a balance of \$10,199.00 out of the general fund.
- b. Please appropriate \$1,281.00 for grant received from Federal Government. County match is \$128.00.
- c. Please appropriate \$3,108.12 to cover funds remaining in DMV grant at the end of FY2004.
- d. Please appropriate \$325.87 for funds reimbursed from Elecom.
- e. Please appropriate \$100.00 for donation received by the Dare Program.
- f. **Victim-Witness Program DCJS Grant:** Please appropriate \$314.00 to cover 3% salary increase as approved by DCJS.

2220 - 1001 Salary	\$285.00
2220 - 2001 FICA	\$29.00

18. Fire Department: Please appropriate \$1,786.00 to Pamplin and Appomattox Fire Departments for additional fire program funds received for FY2004.**19. Library:** Please appropriate \$300.00 to the Library Summer Reading Program for donation received.**20. School Board:**

- a. Please appropriate \$255.23 to expenditures at the old AES building.
- b. Please appropriate \$855.72 to cover retiree's dental insurance premiums.

FUND TRANSFERS FY 2005:

21. **Sports Complex Fund:** Please transfer and appropriate as supplemental appropriation \$5,600.00 to cover work performed at the Sports Complex.
22. **School Textbook Rental Fund:** Please transfer and appropriate as a supplemental appropriation \$300,000.00 from Textbook Rental Fund to cover expenditures for textbooks and related materials.
23. **Appomattox County Athletic Fund:** Please transfer and appropriate as a supplemental appropriation \$12,418.10 from the Athletic Fund to cover expenditures.
24. **VPSA 2001 C Non Subsidy Principal Account:** Please transfer and appropriate as a supplemental appropriation \$83,003.20 to cover expenditures.
25. **VPSA 2001 C Non Subsidy Income Account:** Please transfer and appropriate as a supplemental appropriation \$25,808.83 to cover expenses.
26. **VPSA 2003 B REF 94 A Savings Non-Arbitrage Fund:** Please transfer and appropriate as a supplemental appropriation \$33,167.09 to cover expenses.
27. **VPSA 2003 B REF 94 A Savings Non-Arbitrage Fund:** Please transfer and appropriate as supplemental appropriation \$192.11 to cover expenses.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then called attention to the **Informational Items:** (Items 28-33)

28. **VDOT:** VDOT is required to notify local government when it plans to dispose of surplus property. Notice has been received regarding a parcel located on Route 460.
29. **Planning Commission Resolution:** The Planning Commission has adopted a resolution requesting that the Board consider hiring a planner.
30. **E-911:** Timmons has provided progress reports on the E-911 address delivery.
31. **Letter from Citizen:** During the reenactment there was a minor problem with several citizens parking on the newly seeded ball fields. They were notified that they should not enter County or IDA property

without permission and that they should stay off areas that are marked off. They were very unhappy with this notice.

- 32. **Town of Appomattox:** Agenda for the June 22, 2004 Town Council meeting.
- 33. **School Board Monthly Financial Report:** Financial report for the month of June 2004.

Mr. Carter next called for **Supervisor Concerns:** No one had anything to bring before the Board at this time.

Mr. Carter called **Mr. Wayne Phelps** to address the Board. Mr. Phelps has asked to meet with you to report on the June 2004 reenactment and to ask for financial support for the 2005 reenactment.

Mr. Phelps stated that the Historical Society is very appreciative of Mr. Frank Brina taking pictures of the reenactments and other events. A gentleman from North Carolina has made a map of the area for them. The reenactment went well, the weather was really nice. There were about 5,000 or 6,000 spectators in attendance. Mr. Phelps then introduced Mr. Kenny Rowlette.

Mr. Rowlette began by saying that there were about 700 re-enactors present at the June event. The people spent money at gas stations, eating places, etc. They will also be making some donations to local groups that helped them out, and the Appomattox High School Boosters Club who they feel had a very profitable weekend. In this manner they feel they helped the County and the Town out financially. They are in the process of organizing formally and coming up with a new name, so if you see another name for this committee in the future, do not be confused by it. They are incorporating all of those groups who help into one organization. They did elect officers: Mr. Rowlette, Chairman; Penny Taylor, Vice-Chair; Chris Simpson, Treasurer; Valarie Garrett, Secretary; and Wayne Phelps, Site Manager.

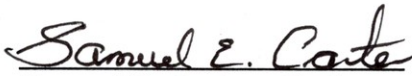
They had hoped to be able to work with the Historical Park in doing the surrender next year. However, they just could not get together with the Park regarding their rules and regulations. They decided to have the entire program at the IDA property. He handed out an outline of the proposed events. This will be a three day event, probably the largest event of next year. He teaches at Liberty University, one of the sponsors of this event. In March they will have a seminar and they will advertise this re-enactment event. They are planning events that would draw people into town and the surrounding business areas. They are also expecting about 1000 Federal Re-enactors along with 2000 Confederate Re-enactors. They are asking the Board to invest in this event with a possible donation of about \$5,000 for 2005 event. Also they feel they made a profit on this last event - \$6,572.00 with 95% of the bills having already been paid.

Mr. Carter thanked Mr. Phelps and Mr. Rowlette for their report.

The Board by consensus, tabled this request until the August meeting.

Upcoming Meetings
July 19, 2004 – Regular Board Meeting
Appomattox Town Office
6:30 p.m.

At 7:22 p.m. Mr. Conrad made a motion, seconded by Mr. Armbrust, to adjourn.
VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and
Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, July 19, 2004 the Appomattox County Board of Supervisors held it's regularly scheduled meeting at 6:30 p.m. in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va. 24522.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson, County Administrator
Johnny Overstreet, County Attorney

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Craft to deliver the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

There were two (2) items to be added:

- 8A Courthouse Change Order
- 8B Tax Exempt Status

Mr. Carter stated the next item on the agenda was the **Citizens Public Comment Period**: This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

The first person to speak was:

Dr. Betty Siano: Dr. Siano addressed her opening remarks to Mr. Carter. She stated that Mr. Carter was correct in that only a few citizens attend the Board meetings and challenge the ideas of the Board of Supervisors. This is true because they are working, have very busy schedules and have such little time to spend with their children and families. They cannot find time to attend these meetings. But, they really do care. The evidence of their caring is in the more than 2000 signatures supporting the concerned citizens. Her agenda is Information and Knowledge. She wants to learn all that she can about Region 2000. The role that they play and will play in the future of Appomattox County. She wants to be able to make a valid decision when and if the citizens get to vote on referendums. Knowledge is power and through the lack of information from the Board of Supervisors, which is not disseminated to the citizens, the Board of Supervisors controls the agenda. Yes, you do represent all of the citizens of Appomattox County and therefore, you have the responsibility to inform all the citizens of every project of importance but we get no information and no answers. She has been asked to suggest that the Board of Supervisors and members of Region 2000 hold a public meeting during which we could all be educated about partnerships, authorities and the plans and studies necessary to solve our water problems. It has been suggested that a question and answer format be used. She has done a lot of research of this issue and still does not have all the answers. She has never been uncivil to anyone, never raised her voice to anyone. She is a Servant of God and Jesus is her strength. She is quick to share her opinion with others.

Dr. Siano also stated she wanted to congratulate Ann Dixon on the wonderful job she is doing ~~was~~ Director of Tourism. She has seen the commercial spot – "all in a day's drive".

John Wilson: Mr. Wilson stated he respects each of the Board as individuals. He appreciates the magnitude of the job you have to do and he has no animosity towards any of Board. He further stated it had come to his attention that the Board has not yet appropriated funds for the Scope of Work Agreement with Region 2000 on the Water Supply Study. Therefore, he would like to make one last appeal to all of you. It is especially important that those Supervisors of Districts whose current residents will receive either no benefit or very little benefit for piping water from Lynchburg, clearly understand the options available to them. We all agree that we must have a reliable and adequate supply of water. Reports have stated that taking water from the James River would cost no more than a water line from Lynchburg. This Study also shows that a

Reservoir would cost about a million dollars less. Why are you opposed to saving a million dollars and at the same time allowing the County to retain control of its water? Mr. Wilson is proposing that you reword the Scope of Work Agreement and require that it study means of implementing the establishment of a County Reservoir that would capture and impound seasonally excessive rainfall. This would add to the supply of available water, not merely tap an existing source. A reservoir or tapping the James would allow Appomattox to retain control of an essential resource plus keeping the 16.4 million dollar investment within the County. Also the jobs associated with the water project would be kept within the County instead of sending them to Lynchburg. A reservoir could be financed with Municipal Revenue Bonds which do not affect the real estate tax rates. Water customers would repay the investment, pay for maintenance and replacement as well as generate a profit for non-revenue producing services. Mr. Wilson urges the Board to refocus their efforts upon providing for water supplies with Appomattox County.

Mrs. Edith McCormick, Spout Spring, Va. Mrs. McCormick stated she had written several letters and she is concerned about the 460 water line. How are widows and elderly people going to pay for this? The Town is the one who needs the water and you are asking the citizens of the County to pay for it. You say, you do not have any money, so how can you spend money for something that is not needed right now. We need to pay our bills first. We do not need to keep going deeper into debt. Build a reservoir and forget about spending \$50,000 with Region 2000. She reads the "Region 2000" Magazine each month and it seems they are only interested in Lynchburg. She is proud of Appomattox County. The 2000 signatures on these petitions should send a message that the citizens do not want this water coming from Lynchburg. As the old saying goes, "If it ain't broke, don't fix it".

Mr. Carter next called for the **Administrative Items:** (Items 1 & 2)

- 1. Central Virginia Community Services Board - request for Resolution:** Central Virginia Community Services Board is requesting a resolution of approval for them to borrow \$385,000.00 to purchase the Bedford Group Home. They are required to get your support prior to borrowing any money.

Mr. Moore informed that Board that at the last financial meeting of the Central Virginia Community Services Board, they felt that with the amount they were paying for rent they would be able to pay off the debt in a few years. They have these group homes in several locations. We have one here in Appomattox. He feels that this is a good investment for the Community Services Board and recommends that we adopt this resolution of support. They only need our approval to borrow this money, but we are not responsible for the repayment of such a loan.

Mr. Moore made a motion, seconded by Mr. Craft, to adopt the following Resolution of Support for the Central Virginia Community Services Board to borrow \$385,000.00 to purchase the Bedford Group Home.

Resolution of Support

Whereas, Central Virginia Community Services Board is a governmental entity created pursuant to the provisions of Chapter 10 of Title 37.1 of the Code of Virginia, pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, mental retardation, and substance abuse services: and

Whereas, Section 37.1-197 (11) allows Chapter 10 Boards such as Central Virginia Community Services Board to obtain loans as authorized by the governing bodies of the political subdivisions that established it; and

Whereas, Central Virginia Community Services desires to borrow three hundred and eighty-five thousand dollars (\$385,000) at a rate of 6.375% for a period of eight years from Planters Bank, 2201 Graves Mill Road, in Forest, Virginia for the purpose of purchasing the Bedford Group Home located at 1615 Longwood Avenue, Bedford, Virginia, from Lynchburg Covenant Fellowship;

Therefore, Be It Resolved that Central Virginia Community Services Board is hereby authorized by the County Board of Supervisors of Appomattox, Virginia to borrow up to Three Hundred and Eighty-five Thousand Dollars (\$385,000) from Planters Bank at a rate of 6.375% for a period of eight years.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 2. Request for Road Abandonment:** At the July 6, 2004 meeting, the National Historical Park made a request to abandon Route 710. This request was tabled until this meeting. Mr. Overstreet has provided information concerning a time frame and procedure for honoring this request.

Mr. Conrad noted that this road is entire within the boundaries of the National Historical Park.

Mr. Carter read the following:

RESOLUTION TO CONSIDER ABANDONING STATE SECONDARY ROUTE #710 IN APPOMATTOX COUNTY, VA

Whereas, a petition has been filed by the National Park Service, Appomattox Court House, National Historical Park to abandon State Route 710 in Appomattox County; and

Whereas, pursuant to the language of the Code of Virginia, the Appomattox County Board of Supervisors must duly consider this request of abandonment; and

Whereas, the Code of Virginia requires that a Notice of Abandonment be posted in three (3) locations along the affected road at least 30 days prior to the Resolution of the Board abandoning this road; and

Whereas, the Code of Virginia also requires that a Notice of Abandonment be published in the newspaper of local circulation at least two (2) times 30 days prior to the Resolution of the Board abandoning this road.

Now, Therefore be it Resolved that the Appomattox County Board of Supervisors does hereby note receipt of said Petition of Abandonment and agrees to schedule consideration of said Petition for September 20, 2004, after proper public notification according to the laws of the Commonwealth of Virginia, including notification of the Commonwealth Transportation Board.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve adopting the above resolution to consider abandoning State Secondary Route 710 as requested by the National Park Service, Appomattox Court House, Appomattox, Va. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter noted that at this time the Board who hear from Mr. Jim Ennis and Ms. Renee Maxey, Piedmont Court Services, and Ms. Robyn Allen, VASAP and Mr. Darryl Puckett. They have requested to meet with the Board to offer an alternate program for handling community service in Appomattox County court cases.

Mr. Ennis stated that they were here at the request of Judge Woodson and Judge Dunkum to request the passage of a resolution authorizing the courts to use the services of the Piedmont Court Services in Appomattox County. Piedmont Court Services presently serves the counties of Prince Edward, Buckingham, Charlotte, Amelia, Lunenburg, Nottoway, and Powhatan. Cumberland County has passed a similar resolution today. The primary mission of Piedmont Court Services is to put decisions concerning corrections and the responsibility for local inmates back in the hands of the localities. It provides sentencing alternatives to judges, in lieu of incarceration, in order to control local jail populations. This helps control the expense to localities for maintaining their jail population. It provides programs the judges would like to have at their disposal in Appomattox County which they currently have in other jurisdictions with respect to programs created for domestic violence, shoplifting diversion programs, drug treatment and other areas, only one of which is community service. There are a lot of individuals that require no incarceration, but the court feels there should be some measure of punishment imposed, other than a finding of guilt and in those cases the court imposes a community service requirement. Community service is to be performed at a non-profit location, specifically groups of government entities.

There are lots of alternatives this program addresses that are all geared to reducing and controlling local inmate population. The judges would like to have the full arsenal available to them everywhere they sit and have the same options available to them in Appomattox County that they have elsewhere. He is requesting a resolution authorizing Piedmont Court Services to serve the courts in Appomattox County. There maybe an expense of slightly less than \$1,600.00 the first year. They recently instituted an offender fee that can be charged. There is an agreed division of responsibility amongst the Judges, ASAP, the program which serves Appomattox and Piedmont Court Services. This should result in a net increase in referrals.

Mr. Armbrust and Mr. Conrad had questions regarding the program now in place in the county and those proposed by Mr. Ennis.

Mr. Darryl Puckett, Commonwealth Attorney, stated that when he was approached with this plan, he had some questions and concerns. Judge Blanton does not use either of these programs because they deal mostly with felony cases and those would be under the direct supervision of Probation and Parole. These judges like to know what type of services are available to them and know what counties are using which programs. The offender is responsible for the cost of all counseling services, not the county. They are looking for more community services for juvenile offenders. Also, we do have limited jail space and often we have to pay to have prisoners placed in other counties jails. He feels this is a good program. There is a real problem with the Juvenile & Domestic Courts. There is no shoplifters alternative program. Community Service is available. The good thing about this combined program is the ability to transfer supervision to another locality.

Ms. Allen, with ASAP, stated that they have a Memorandum of Understanding with Appomattox County and she will abide by this agreement.

Mr. Ennis stated that all DUI cases will go to the VASAP. Only certain offenses can go to Piedmont Court Services. They cannot accept supervision of speeding offenses. It has to be an offense which carried a jail sentence. Should this resolution be adopted, two appointees will be needed to serve on this Board.

After some discussion and a question and answer period the Board by consensus delayed action on this issue until the August 2, 2004 meeting.

Mr. Carter thanked and excused Mr. Ennis, Ms. Maxey, Ms. Allen and Mr. Puckett.

Mr. Carter next stated that **Ms. Magda Liska and Ms. Dianne Miller of AWAG** have requested to meet with the Board seeking endorsement of a low cost clinic for spay and neutering dogs and cats in our area.

Ms. Miller stated that they need a letter endorsing the effort of Spay Virginia, a project of the Virginia Federation of Humane Societies and their endeavors to organize a low cost spay/neuter super clinic in our region. This would help those pet owners who otherwise could not afford to have their pets vaccinated. The ultimate goal is to reduce the number of animals euthanized. They will be applying for grants and also be asking the Board for funds in the future. In order to apply for these grants, they need the Board's endorsement.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to sign the letter endorsing the efforts of Spay Virginia, a project of the Virginia Federation of Humane Societies to organize a low cost spay/neuter clinic in our region. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Ms. Liksa read a letter from the Animal Welfare Action Group presenting to Mickey Martin, Appomattox County Animal Warden, a micro-chip identification scanner. This will enable the Animal Warden to scan incoming animals for micro-chip owner information. These units costs about \$100.00 and one was available to each humane unit that applied for them. It is their hope that in the future, animal owners will have micro-chip information implanted in their animals. This is especially true for hunting dogs.

Mr. Carter then returned to the **Administrative Items:** (Items 3-8)

3. **Old Oakville School:** We have received the deed returning the old Oakville School property to the County. The Board will need to accept the property and Mr. Overstreet will need to certify that you have accepted the property. This certification will need to be recorded with the deed. Mrs. Ferguson is in the process of checking on several issues involving this site and will be making recommendations concerning the disposition of this property in the next several weeks.

Mr. Conrad made a motion, seconded by Mr. Armbrust, that the Board accept the deed to the Old Oakville School property and have Mr. Overstreet certify this acceptance. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. **Biosolids Coordinator:** We have been approached by Campbell County to see if the Board would be interested in adopting an ordinance establishing a biosolids monitoring program and possibly participating with them in hiring someone to monitor this for both localities. The locality may consider charging a testing fee to cover some of the cost associated with this monitoring.

Mr. Conrad stated that considering the problems that past Boards have experienced dealing with biosolids and the fact that there is nothing we can do about biosolids legally, he feels we would be better off to leave this problem alone.

Mr. Armbrust feels we do need someone to monitor the spreading of biosolids so we will know what is coming in, he does not feel that we need to hire anyone to oversee this since we do get reports on this. We just need someone to review the reports and maybe do some random checking, maybe on a volunteer basis. He volunteered to do this.

Mr. Overstreet will research this and get back to the Board at a later date.

5. **E-911 PSAP Equipment Purchase:** Public Notice has been posted concerning the purchase of equipment for the PSAP. Staff has recommended that a turn-key E-911 system be procured through Verizon on a sole source basis.

Mr. Moore made a motion, seconded by Mr. Craft, that a turn-key E-911 system be procured through Verizon on a sole source basis. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

6. **Request for Musical/Entertainment Festival Permit:** Mr. & Mrs. Ken Swanson are requesting a permit to hold a music festival on September 4th, on Route 630 in Evergreen. They have gotten permits for similar festivals in the past.

Mrs. Ferguson requested that this be tabled until the August 2nd meeting so she can obtain more information prior to recommending approval.

7. **Region 2000 Regional Commission Agreement:** On June 7, 2004 the Board agreed to participate in the water study with the Town of Appomattox. At that time there was some discussion concerning grant funding to pay for the costs of this study. Grant funding may be available through the one million dollars that Virgil Goode's office has promised to the Town and County and it has been recommended that we do not draw on these funds until we decide if we want to form a Public Service Authority. We have performed several studies concerning this issue and all have been paid for by sources other than local tax dollars. Our cost of this study is \$25,000.00. If the Board wishes to continue with this study, you will need to make a supplemental appropriation for this amount.

Mr. Carter asked each Board member to express their feelings on this issue:

Mr. Conrad stated that we have heard a lot of talk on this issue. No matter what we do, we want to eliminate every bit of costs to ourselves that we can. If we form a Public Service Authority, then the Authority would pay for these things through the user fees. The study we are talking about, would involve procuring information to develop a Public Service Authority, then find out what the best possible way for us in the future to secure water for Appomattox County. This study would also give us the information on how we would be able to procure funds to help defray any costs that might be incumbent upon the County. He is in favor of the agreement. We need to get this done once and for all. He emphasized to all present that this does not mean we will have a waterline or a reservoir.

Mr. Armbrust said he has heard comments regarding Region 2000, about this waterline. People make comments and they do not even have the correct information. We do not have all the information. This is why studies continue on. We are trying to learn. In his best judgment is we need to do this study to look at the waterline and the reservoir, but he does not want to spend tax payers dollars. Most of the people who want the reservoir do not realize the red tape and costs involved, it may end up costing more than the waterline. This is why we need to have these studies done. Some of our citizens have a misconception of Region 2000. He has looked back and sees how much they have helped the County. When it comes down to tax payers dollars, he is at a stand still.

Mr. Craft stated that no one in his district is in favor of doing this study. He wonders if we cannot go straight into a Public Service Authority and let them do the work.

Mr. Moore stated there has been a lot said that he agrees with. He hears a lot of talk, he does not know all the facts – no one knows all the facts. This is the reason we need to do the study. In order to make a rational decision regarding the future of the County, we need to have this study. The cost of this study is not a lot of money when you look at the whole picture. We need to do what is best for the future, because most of us will not see this done in our lifetime.

Mr. Carter agrees with what the others have said. If we go forward this, in his opinion, it will allow us to receive the necessary information to make a conscientious decision. In concert with that, if this is deemed a possible solution, the pipeline or the reservoir, all citizens will benefit from this because we have to do something to enhance our tax base. We want a quality of life, but we want our tax base to be small. We will not have a small tax base, if we do not entice business, tourism and industry to come into our County to supplement our tax base in order for us to have the quality of life we all want and desire. To this end, I also endorse this study to go forward. We do not want to spend tax payer dollars and furthermore, we cannot afford a sixteen million dollar

expenditure but we need to move forward and know every angle possible to obtain grants and other means of monetary factors to supplement this.

Mr. Conrad made a motion, seconded by Mr. Moore, to enter into the agreement with Region 2000 Commission to provide a water study for Appomattox County and to make a supplemental appropriation in the amount of \$25,000.00 to cover the cost of said water study. VOTE: Mr. Armbrust, nay; Mr. Conrad, aye, Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes and 1 nay vote).

- 8. Early Learning Opportunities Act Grant:** We have received a letter supporting the Early Learning Opportunity Grant which is responsible for the fund to keep the "Spot and Dot Bus" in operation.

To Whom it May Concern:

Under the authority granted by the Appomattox County Board of Supervisors, we hereby designate the Success by 6 Coalition as the eligible Local Council for Appomattox County for the purposes of the Early Learning Opportunities Act (ELOA) discretionary grant program. We also authorize the Success by 6 Coalition to develop and submit an application to the Administration on Children, Youth and Families, Child Care Bureau in response to the ELOA Funding Opportunity Number: HHS-ACF-CCB-ELOA-04-01, and to administer the implementation of the project if funded.

We, hereby, authorize United Way of Central Virginia to serve as the Fiscal Agent on behalf of the Success by 6 Coalition and the Fiscal Agent's Employer Identification Number (EIN) is: 54-0505923 and this EIN has been entered in Item 6 on the Application for Federal Assistance (AF-424).

As required under the statute governing ELOS, the Success by 6 Coalition includes: (1) Representatives of local agencies that will be directly affected by early learning program assisted under the ELOA and this announcement: (2) parents; (3) other individuals concerned with early learning issues in the locality, such as representatives of entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and (4) other key community leaders.

The Success by 6 Coalition was responsible for preparing and submitting the enclosed application for the ELOA discretionary grant program.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve the above letter of support for the Early Learning Opportunities Act Grant: VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 8A. Courthouse Change Order:** Mr. Jamerson has approached Ms. Ferguson with two (2) problems he felt existed at the new courthouse. One is the retaining wall where the air conditioning units are located just outside the courthouse. This wall was damaged during the demolition of the old building and he felt this needed to be replaced. Also behind the old jail, part of the wall had to be removed due to construction and paving

the parking lot and drive-way. Mr. Jamerson feels we need to replace seven (7) feet of this wall.

Cost for wall #1 - behind the museum (old jail) – \$2,900.00 (add column and 7 feet of new wall to dress up existing wall)

Cost for wall #2 - retaining wall in front of air conditioning units - \$3,600.00 (demolish whole wall and lay back with new brick)

After some discussion, Mr. Armbrust made a motion, seconded by Mr. Craft to approve these two Courthouse Change Orders, pending Mr. Moore's review. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

8B. Tax Exempt Status: Mr. Overstreet presented each one with a handout and stated that the Board may wish to look at this and take action at the second meeting in August. He stated there are two (2) types of exemptions for localities in the State of Virginia. The two ways to exempt organizations is through classification and through designation.

Classification means churches - any type of organization that fits into the category of a church. Designation means a specific organization. Such as AWAG, the Historical Society, etc.

Since 2003 the Legislature has now authorized you to designate local organizations as exempt from taxation. Mr. Overstreet then explained the process through which you make this determination for certain non-profit organizations. We have received a request for a tax-exempt status from a local organization. In looking through this material, you need to think about what you would like to have as a policy – we need to try to treat all organizations the same.

Mr. Carter next presented the **Consent Agenda:** (Items 9-16)

9. Approval of Bills: Please approve bills as presented for payment.

10. Approval of Minutes: Please approve minutes of regular meeting of July 6, 2004.

CARRY OVER FUNDS FROM FY 2004:

11. Fund Balances to carry over: Please approve the transfer of the following balances as requested by Mrs. Belter, Treasurer.

Comprehensive Services	\$7,815.91
Law Library	\$15,225.45
Ball Park (Town Ballpark)	\$462.69
Capital Improvements	\$3,249,755.14
Courthouse Maintenance	\$45,027.95

Emergency Mng. Grant

\$141,909.97

FUND TRANSFERS:

- 12. Revenue Maximization Funds:** Please transfer \$2,585.00 from the Revenue Maximization Fund to cover invoice for services.
- 13. CSA Fund:** Please transfer \$2,500.00 from the CSA Fund to pay Campbell County for services rendered for May 2004 and July 2004.

SUPPLEMENTAL APPROPRIATIONS:

- 14. Registrar's Office:** Please appropriate \$311.24 to the Registrar's budget to cover increase given by the State Board of Elections.
- | | | |
|-----------|----------|----------|
| 1301-1001 | Salaries | \$255.32 |
| 1302-2001 | FICA | \$ 19.53 |
| 1302-2002 | VRS | \$ 36.39 |
- 15. Sheriff's Office:** Please appropriate \$351.54 to the Sheriff's budget to cover funds received from Department of Justice.
- | | | |
|-----------|------------------|----------|
| 3102-1002 | Regular Overtime | \$351.54 |
|-----------|------------------|----------|
- 16. Library:** Please appropriate \$1,097.10 to the Library budget for increase given to Library Director by the Library Board. This was not included in FY2005 budget.
- | | | |
|-----------|----------|----------|
| 7301-1001 | Salaries | \$900.00 |
| 7301-2001 | FICA | \$ 68.85 |
| 7301-2002 | VRS | \$128.25 |

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the **Consent Agenda** as presented: VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Item 17-22)

- 17. Tires:** A letter has been received from Mr. Bill Burke with Cardinal Chevrolet, Inc. stating he does not like having to pay for disposing of his tires. We have nothing to do with tires that are taken to the landfill, they are handled for us by Emanuel Tire.
- 18. Department of Forestry:** The forestry department is holding a series of meeting to learn what factors cause landowners to retain their forestland. The sites for these meeting have been provided if you wish to attend.
- 19. Robert E. Lee Soil & Water Conservation District:** Minutes of Board of Directors Meeting held on May 27, 2004.
- 20. E-911 Progress Report:** Timmons has provided a progress report for you on the E-911 addressing.

21. **Regional 2000 Economic Development Partnership:** Region 2000 Economic Development Partnership has provided information on their work program for the coming fiscal year.
22. **Town of Appomattox:** Agenda for Appomattox Town Council meeting for July 12, 2004.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Conrad stated he would like to discuss the Planning Commission membership. The Appomattox County Code – Chapter 30, §30-1, paragraph D states: "Governing body members serving as planning commissioners. One (1) governing body member from the County and each of the Towns may serve as a planning commissioner....." This means one (1) only. Presently there are two (2) council members from the Towns of Appomattox and Pamplin serving on the Planning Commission. He is requesting that these localities be notified that they need to replace one member on the Planning Commission with a non-council member.

Mr. Armbrust informed the Board that the speed limit changes from 45 mph to 55 mph on US 460 west in the vicinity of Appomattox Ford. There is also a day care center in this area. With the addition of the Appomattox True Value Hardware recently opening he would like to have VDOT continue the 45 mph section up to the entrance to the Moose Lodge. This would mean moving the 55 mph signs approximately 75 feet further up US 460 west.

Ms. Ferguson will issue a written request to the Virginia Department of Transportation for this change.

Mr. Carter informed the Board that Mrs. Ferguson would like to hold a work session on Monday, July 26, 2004. This date was not convenient for all members. It was decided to hold this work session on Wednesday, July 28, 2004 at 6:00 p.m. at the Appomattox Town Office.

Mr. Carter reminded the Board of the next regular meeting:

Monday, August 2, 2004
6:00 p.m.
Appomattox Town Office.

At 8:45 p.m. Mr. Conrad made a motion, seconded by Mr. Craft, to adjourn.
VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter
Samuel E. Carter, Chairman

On Wednesday, July 28, 2004, at 6:00 p.m. the Appomattox County Board of Supervisors held a work session at the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson, County Administrator

At 6:00 p.m. Mr. Carter called the work session to order and stated the purpose of the session was to discuss a number of things that need to be addressed.

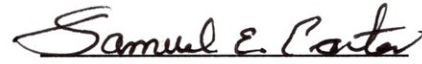
Mrs. Ferguson informed the Board members that they have been invited to attend the opening of the Appomattox Historical Museum on Friday, August 6, 2004 from 11:00 a.m. to 2:00 p.m.

The Board then discussed the following:

1. Status of New Courthouse Project:
 - a.) Contract for cleaning the building
 - b.) Open House – Tours
 - c.) Furnishing Cost - \$295,685.60
 - d.) Surplus Property – furniture
 - e.) Security
2. The Old Courthouse Building
3. Status of the Dog Pound: The Request for Proposal for Architectural Services is almost ready to go out.
4. Jail Overcrowding - Paid Blue Ridge \$4,508.00 this month.
5. Landfill Alternatives:
 - a) Transfer Station – BFI is making application for a transfer station at Concord)
 - b) Open New Cell
6. Old Oakville School:
 - a) Need to have survey done
 - b) Have Public Hearing on disposition of property
 - c) Possibly demolish building

- d) Hold auction for property or sell by sealed bids
- e) AWAG would like for the animal pound to be build on the Oakville School property.
- 7. Update on Old AES building
- 8. E-911 Public Safety Answering Point:
 - a) Decision on location of PSAP
 - b) Request for Proposal for design of PSAP
 - c) Need someone to volunteer to serve on the interview committee for hiring E-911 Coordinator. (Mr. Craft will not be available on August 13, 14, or 15)
- 9. Locate space for Board Meeting Room
- 10. Cleaning the mausoleum.

At 7:32 p.m. Mr. Conrad made a motion, seconded by Mr. Craft to adjourn.
 VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


 Samuel E. Carter, Chairman

On Monday, August 2, 2004 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
 Shawn A. Armbrust – Wreck Island District
 Thomas H. Conrad – Falling River District
 William H. Craft – Appomattox River District
 Russell H. Moore – Piney Mountain District

ALSO PRESENT:
 John K. Spencer, Jr. – Assistant County Administrator
 J. Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to deliver the invocation.

Mr. Carter next called for the **Setting of the Agenda:** There were three (3) additions to be added:
 7A. New Jerusalem Baptist Church – letter of support
 7B. Seeding /Mulching Bids for Community Park
 7C. Court House Phones/Long Distance

At 6:33 p.m. Mr. Carter called for **Citizen Public Comments:** This time is provided by the Board to allow citizens to appear and discuss issues that are of importance or concern to the citizens.

Mr. John Wilson: Mr. Wilson read a prepared message addressed to the "Appomattox County Board of Supervisors". He stated that the citizens of the county are motivated by the same

honorable purposes as the Board. They give of their time, their energy and their money in order to improve the lives and prosperity of Appomattox citizens, those now here and those to come in the future. They have empowered and entrusted the Board with the responsibility of representing their interests.

Mr. Wilson further stated that the citizens feel they are handicapped by the scarcity of factual information in a timely manner. They receive only a copy of the agenda and that is only available at the time of the Board Meeting. He feels the citizens have a right to have access to the information contained in the "Board Packet" received by the Board Members, Staff and at time the news media. He is, therefore, proposing the Board of Supervisors consider adopting a resolution that would give the citizens access to the items for consideration at least one week prior to the Board Meeting. This information could be made available at the County Library or the County Administrator's Office.

Mr. Wilson also requested to be placed on the agenda for the September meeting.

Ms. Mary Dickey: Ms. Dickey stated she was not trying to fuss, she is just trying to voice her opinion. She feels we all have the option to take advantage of stating our opinions. As a 19 year old citizen she was very disappointed and concerned when she read that the Board of Supervisors voted to spend \$25,000 to research the waterline from Lynchburg to Appomattox. We are all hard working citizens and \$25,000 is nothing to "sneeze" at. If we could receive money through a grant as a Public Service Authority, why didn't we take the time to form the authority before spending this \$25,000. She is sure there are plenty of citizens willing to serve on this Board. Maybe you should consider those who always write letters to the editor and show up at these meetings before you place your votes. This is not the first time the Supervisors have done something that the majority of the citizens disagree with. Are the Supervisors not elected to serve the will of the people. She complimented Mr. Armbrust on "being level headed and not jumping to the first opportunity to throw our money down the drain" and remembering to keep our options open on a very controversial issue. She also complimented John Wilson, Dr. Siano, Mr. Wade Adams and others who have all encouraged her to speak her voice, especially because she is young, and perhaps some of you will listen to her rather than the older retired citizens. She asked the Board to remember a statement Mr. Wilson made to her today – "Government exists to provide services that we need collectively".

Mr. Carter asked if there was anyone else present who wished to speak at this time. Hearing none, Mr. Carter moved to the **ADMINISTRATIVE ITEMS:** (Items 1-7)

1. **Request for Musical/Entertainment Festival Permit:** Mr. & Mrs. Ken Swanson are requesting a permit to hold a music festival on September 4th on Route 630 in Evergreen. This matter was held over from the July meeting to allow further research.

Mr. Spencer stated that staff recommends that the bond be waived for this event but the permit fee of \$25.00 per day be charged. In the past, Mr. & Mrs. Swanson have been notified that the Board may request a reporting on this event. It is suggested that the Board request a financial report be submitted to the Board of Supervisors.

After some discussion, Mr. Craft made a motion, seconded by Mr. Moore to approve the festival permit for Mr. & Mrs. Swanson and waive the bond requirement but charge a \$25.00 daily fee and require a financial report after this event is over. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye vote)

2. **ASAP Information:** Robyn Allen has provided information concerning her program that was requested at the last meeting, plus a letter concerning the proposal submitted by Mr. Ennis. If you choose to accept the request as presented by Mr. Ennis you will need to adopt the enclosed resolution, appoint two (2) representatives to the Piedmont Community Services Board and approve a supplemental appropriation of \$1,380.00 as our contribution to the office expense.

Mr. Conrad stated he had spoken to several local attorneys, Sheriff Staples, and Buddy Carson who was the Coordinator of Community Services for the County. They are all positive towards the ASAP program. Based on the information he has received the biggest difference is that ASAP does not cost the County anything.

Mr. Carter and Mr. Armbrust both agreed with Mr. Conrad. Therefore, it was the consensus of the Board that no action be taken on this matter.

3. **Biosolids Resolution and Regional Public Hearing:** The Prince Edward Board of Supervisors has initiated a campaign requesting that the General Assembly initiate an investigation of the existing state program governing the land application of biosolids to insure that proper regulatory and environmental oversights and controls are in place. If Appomattox wishes to participate a resolution needs to be adopted. Also, on August 19, 2004 at 7:00 p.m. there will be a regional public meeting at the Prince Edward County Courthouse to discuss proposed amendments to the Biosolids Use Regulations.

Mr. Craft thought it would be a good idea to attend this meeting to hear what other people have to say.

Mr. Conrad stated that after reading what was presented, he felt they were indicating that we are already a Dillon Rule State, and it is mandated by the legislature what latitude each county has in regard to biosolids. There are more and more counties that would like to see this changed so that the counties would be able to decide for themselves. We should not, under any circumstances, get involved in a court situation again.

Mr. Moore agreed with Mr. Conrad and further stated we have lost at every legal level.

Mr. Conrad asked Mr. Overstreet if the General Assembly could change Virginia from a Dillon Rule to a Home Rule State. Mr. Overstreet replies that he wasn't sure if it could be done through a legislative action or if it would require a Constitutional Amendment. We have a situation where the State is taking upon itself to pre-empt the localities and provide for the monitoring, inspection and granting of permits. They can also determine they are not going to take on this burden and let the localities do it. This would not change the fact that we are a Dillon Rule State but it would be an authority under the Dillon Rule that they would give to the locality. We can monitor and conduct testing, but we would just be doing what the State is already doing.

Mr. Craft made a motion, seconded by Mr. Armbrust to adopt the following resolution:

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF APPOMATTOX, VIRGINIA**

~ ~ ~ ~ ~ ~ ~ ~

WHEREAS, the land application of biosolids, is regulated in accordance with regulations adopted by and administered by the Commonwealth of Virginia Department of Health; and

WHEREAS, the Board of Supervisors of the County of Appomattox wants to do everything possible to protect the health, safety and welfare of its citizens and to protect water quality, but is limited, due to a Virginia Supreme Court decision that a locality cannot ban the spreading of biosolids; and

WHEREAS, the Board of Supervisors of the County of Appomattox has heard conflicting reports from its citizens, the Virginia Department of Health and the Environmental Protection Agency regarding the long-term health and environmental effects of the land-application of biosolids; and

WHEREAS, questions and challenges have been raised regarding the authority of local governments to regulate the land application of biosolids, placing local governments in a difficult and potentially expensive position of facing repeated litigation over ordinances they may have passed in an effort to protect their citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Appomattox does hereby request the Virginia General Assembly to fully investigate the existing state program governing the land-application of biosolids to insure that proper regulatory and environmental oversights and controls are in place to fully protect the citizens of the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Appomattox does hereby request the Virginia General Assembly to provide local governments the opportunity to participate fully in the propagation of regulations governing the land-application of biosolids; and

BE IF FURTHER RESOLVED, that a copy of this resolution be forwarded to the Honorable Frank M. Ruff, the Honorable Watkins M. Abbitt, Jr., the Honorable Clarke N. Hogan, the Honorable Thomas C. Wright Jr., the Virginia Association of Counties and the Virginia Department of Health for their consideration.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. **Lease and Resolution of old Elementary School:** The School Board has approved the lease and resolution for the use of the old AES. They are in the process of getting the necessary signatures and hope to have the original document to the Board prior to tonight's meeting. The Board will need to formally accept the old elementary school from the School Board and have the certification recorded with the deed.

Mr. Overstreet stated that the School Board is conveying the Appomattox Elementary School property back to the Board of Supervisors and we are leasing back to them several building on the property; the maintenance shop, the home economics cottage and three (3) storage buildings. This is a Lease Agreement, whereby, once we receive the property and the deed, we will be leasing back these building to the School Board. In return they will do maintenance, and continue to mow the entire school property. There was a change on the lease agreement as shown. In the paragraph, FIRST: which reads "The term of this lease shall be from the date of this agreement until December 31, 2007". The School Board has asked that we put in a provision for automatic renewals. The lease now has successive four (4) year renewals with termination by either party with a 30 day notice before the end of the term.

Mr. Overstreet stated that the first action would be for the Board to accept the property, then approve Lease agreement and pass the resolution (non-binding) stating that replacement space be paid for through capital expenditure, not operating funds.

Mr. Conrad asked if there was damage/destruction to the property, due to the school's negligence, who would be responsible. Mr. Overstreet replied our insurance would cover or our carrier could make a claim against the School. We could, however, come up against government immunity.

Mr. Conrad made a motion, seconded by Mr. Craft, to accept the property, approve the lease agreement and approve resolution of intent to fund replacement facilities.

LEASE

THIS LEASE AGREEMENT, made and entered into this the 2nd day of August, 2004, by and between THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA, hereinafter referred to as "lessor", and SCHOOL BOARD OF APPOMATTOX COUNTY, VIRGINIA, hereinafter referred to as "Lessee".

WITNESSETH

That for an in consideration of the mutual benefit to the parties hereto, the benefit to the citizens of Appomattox County, Virginia, and the provisions, covenants, and conditions contained herein and pursuant to the authority granted to Lessor in Section 15.2-1800 B. of the Code of Virginia of 1950, as amended, the parties hereto do hereby covenant and agree as follows:

That Lessor hereby lets, leases, and demises to Lessee, the following described real estate, to-wit: the current maintenance shop, Home Economics cottage and three currently used storage buildings which are located at the old Appomattox Elementary School (Carver Price School) located in the town of Appomattox, Virginia, together with cartilage surrounding said buildings together with necessary access to the public road.

FIRST: The term of this lease shall be from the date of this agreement until December 31, 2007. Thereafter said Lease shall automatically renew for successive 4-year periods unless sooner terminated by either party giving written notice of said termination at least 30 days prior to the end of any term of said Lease.

SECOND: Lessee shall have no responsibility to provide hazard insurance covering risk of loss to said buildings but shall be responsible for insuring against loss to its personal property located on the demised premises.

THIRD: Lessee shall be responsible for the cost of providing utility services to the demised premises.

FOURTH: As part of the consideration of this lease, the Lessor further agrees that:

- A) Lessee may store materials upon certain sections of the main school building as designated by Lessor in preparation for an auction in the fall of 2004.
- B) Lessee may utilize certain areas of the main school building and parking area as designated by Lessor for a school auction in the fall of 2004.
- C) Lessee may continue to store its kitchen equipment on the school property for a period not longer than 6 months after the state courts vacate the old elementary school building.
- D) Lessee may remove the playground equipment located on the school property and the gazebo located near the Home Economics cottage.

FIFTH: Lessee shall not hold lessor liable for any damages from any cause whatsoever. Lessee hereby assumes all risks of every kind, whether to property or persons, in connection with the lessee's occupancy or possession of the leased premises, whether the same arises from defects latent or patent in connection with the building or any part of the leased premises and whether or not the same were known by the lessor at the time of the making of this lease and were not disclosed by the lessor at the time or at any subsequent time. It is further covenanted and agreed that the lessor shall not be liable to the lessee for negligence, default, or misfeasance of other tenants, if any, or employees of said building.

SIXTH: Lessor reserves the right to enter the demised premises for inspection.

SEVENTH: Lessee shall make no alterations to the building on the demised premises or construct any building or make other improvements on the demised premises without the prior written consent of lessor. All alterations, changes, and improvements built, constructed, or placed on the demised premises by lessee, with the exception of fixtures removable without damage to the premises and movable personal property, shall be the property of Appomattox County and remain on the demised premises at the expiration or sooner termination of this lease.

EIGHTH: During the term of this lease, lessee agrees to maintain the demised premises in a condition equivalent to that existing at the term of the lease. Lessee further agrees to keep the grounds of the demised premises as well as the entire area included within the school grounds which was conveyed to Lessor July 2004, properly maintained including mowing, clipping weeds, and trimming bushes and hedges.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

BY: SAMUEL E. CARTER, CHAIRMAN
BOARD OF SUPERVISORS
OF APPOMATTOX COUNTY
VICTORIA PHELPS, NOTARY PUBLIC
Commission Expires: May 31, 2006

BY: CLIFFORD G. RHODENIZER, CHAIRMAN
SCHOOL BOARD OF APPOMATTOX
COUNTY
BRENDA C. SAULS, NOTARY PUBLIC
Commission Expires: Dec. 31, 2007

RESOLUTION

WHEREAS, the School Board for Appomattox County, Virginia, has recently conveyed the old Appomattox Elementary School property to the Board of Supervisors of Appomattox County, Virginia; and,

WHEREAS, the Board of Supervisors has leased back certain buildings to the School Board for a term which expires December 31, 2007: and,

WHEREAS, the School Board will need other facilities at the end of the lease term to provide for the purposes of the leased facilities; and,

WHEREAS, the School Board has requested that the Board of Supervisors acknowledge its intent to assist in providing said facilities.

NOW, WHEREFORE, BE IT RESOLVED:

1) That the Board of Supervisors of Appomattox County hereby expresses its intent to assist the School Board of Appomattox in acquiring replacement facilities to carry out the functions of said leased facilities;

2) That the funds for said acquisition would be provided by the Board of Supervisors of Appomattox County, and would be considered a capital expenditure and not reduce the operating budget of the School Board;

3) That this resolution merely expresses the intent of the Board of Supervisors of Appomattox County at this time and is non-binding on this Board or future boards and is not an appropriation nor obligation of public funds.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

5. **2004 State Homeland Security Program:** Grant application for funds from the federal government channeled through Virginia Department of Emergency Management has been received. Need to adopt resolution designating the County Administrator as agent for said grant.

DESIGNATION OF APPLICANTS AGENT RESOLUTION

BE IT RESOLVED BY

The Board of Supervisors
(Governing Body)

of Appomattox County
(Public Entity)

THAT

Aileen T. Ferguson
(Name of Incumbent)

County Administrator
(Official Position)

Is hereby authorized to execute for and in behalf of a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

That, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

Mr. Moore made a motion, seconded by Mr. Conrad to adopt the 2004 State Homeland Security Program and name the County Administrator as agent. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

6. **Request for donation to the reenactment scheduled for April 2005:** This item was tabled from previous meeting.

Mr. Armbrust stated the re-enactment was a good thing, but he feels it is more of a hobby – like a golf tournament. He has done some research and found that this event does not increase the revenue of the town and not as many persons were in attendance as reported. Majority of workers are stated to have volunteered their labor and equipment – but still these appear on financial statement. Mr. Armbrust also stated we have given them a donation for the past two years and it is now time for them to be on their own.

Mr. Conrad stated he too felt there were discrepancies in the report. The Board granted a request for \$3,500 for the purpose of liability insurance. The report shows \$1,400 was actually spent for this insurance. It seems like a lot of expense for food for individuals that are coming here to participate in what is to them a hobby.

Mr. Craft agreed with Mr. Armbrust and Mr. Conrad. Also, when he made the motion to give them the \$3,500 for insurance, he did not realize they would be able to obtain this insurance for half that amount. If they, indeed, made a profit they should be able to hold these monies over for next year.

It was the consensus of the Board not to acknowledge this request at this time.

- 7. Camera System for Circuit Court Clerk's Office:** We have received a proposal for a camera system for the Circuit Court Clerk's Office. The cost of this proposed change will be \$8,911.30.

Mr. Spencer informed the Board that Ms. Williams has made this request as a means of safeguarding materials in the Clerk's Office. The cost from Master's Engineering totaled \$13,880 and Gary Harvey of Craddock-Cunningham said there were a couple of items that could be deleted. Since there would be a digital recorder in the security office, this has eliminated the need for another one. Also, a VGA monitor can be obtained elsewhere, bringing the cost down to \$8,911.30.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the request for a camera system for the Circuit Court Clerk's Office at a cost of \$8,911.30. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7A. New Jerusalem Baptist Church:** The Rev. Dr. Calvin L. Gray and the organizers of the Southside Christian Conference would like a letter of support for their annual conference to be held September 25, 2004. The Board Members were also invited to attend this conference.

Mr. Moore made a motion, seconded by Mr. Craft, to write a letter of support to the New Jerusalem Baptist Church for the Southside Christian Conference to be held on September 25, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7B. Seeding/Mulching of Recreation Fields:** The bids have been received for the seeding/mulching of the recreation fields at the Appomattox Community Park. There were three (3) bids received:
- | | |
|---------------|---------------------------------------|
| John Harris | \$10,950.00 (anti collusion attached) |
| Kevin O'Brien | \$17,175.00 (anti collusion attached) |
| Fred Caldwell | \$19,209.00 (anti collusion attached) |

After some discussion, Mr. Armbrust made a motion, seconded by Mr. Moore, to award the contract for seeding/mulching of recreation fields to the lowest bidder: John Harris for a bid of \$10,950.00. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7C. Court House Long Distance Telephone Service:** Mr. Spencer explained that today he had received information from Dominion Voice and Data who are providing the telephone system for the new courthouse and the complex. Basically, they advised us that the County will have to change long distance carriers. We currently have EXCEL. The new system will necessitate a change. There are three (3) companies that Verizon works with in this area: Sprint, AT&T and MCI. The state contract through Virginia Information and Technology Agency is held by MCI and has been for several years. Mr. Spencer is asking to have the long distance carrier switched to MCI under the state contract. This would only affect the new courthouse and the courthouse complex. We may find it desirable to change all of the long distance to this in the future.

After some discussion, Mr. Moore made a motion, seconded by Mr. Craft to approve contracting with MCI as the long distance carrier for the new courthouse and the courthouse complex as

recommended by Dominion Voice and Data. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Consent Agenda:** (Items 8 – 12)

8. Approval of Bills: Please approve bills as presented for payment.

FUND TRANSFERS:

9. Courthouse Construction Project: Please transfer \$3,935.00 from the Courthouse Bond to cover expenses to extend conduits for telephone services. This expenditure was previously approved.

10. CSA Fund: Please transfer and appropriate as a supplemental appropriation \$1,250.00 to pay for CSA Coordination for the month of June, 2004. Due to changes in personnel in Campbell County, they failed to submit this bill in June.

SUPPLEMENTAL APPROPRIATIONS:

11. Electoral Board: Please appropriate a supplemental appropriation in the amount of \$277.00 to cover increases and benefits associated with salary increase given by State Electoral Board after the FY2005 budget was approved.

12. Sheriff's Department: Please appropriate a supplemental appropriation in the amount of \$4,508.00 for housing inmates at the Blue Ridge Regional Jail.

Mr. Carter asked if there were any questions regarding the Consent Agenda. Hearing none, he called for a motion to approve said agenda.

Mr. Moore made a motion, seconded by Mr. Conrad to approve the **Consent Agenda** as presented. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called attention to the **INFORMATIONAL ITEMS:**

13. Request for Speed Limit Change: VDOT has responded to our request to lower the speed limit on portions of US 460.

14. Inspection Report on Landfill Baler: No violations were found during the last inspection made on the Baler Building at the Landfill.

15. Special Commissioner's Land Sale: Ms. Belter has provided a list of parcels that will be sold for delinquent real estate taxes.

16. E911 Progress Report: Timmons Group has submitted a report on the status of the E911 addressing.

17. Trend Alert from Bill Gillespie: Information concerning the Herman Trend Alert.

Mr. Carter next called for **Supervisor Concerns:** No one had any specific concerns to discuss at this time.

Mr. Carter then reminded the Board of it's upcoming meetings:

**Regular Meeting
Monday, August 16, 2004
6:30 p.m.
Appomattox Town Office**

At 7:23 P.M. Mr. Moore made a motion, seconded by Mr. Conrad to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter
Samuel E. Carter, Chairman

At 6:00 p.m. on Monday, August 16, 2004, the Appomattox County Board of Supervisors held a Public Hearing regarding Utility Tax on Mobile Telecommunications (cellphones) at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney

At 6:00 p.m. Mr. Carter opened the public hearing and stated the purpose of this hearing is to receive comments on the proposed enactment of a tax on mobile telecommunications, and to repeal Appomattox County Code – Article XVI – Repeal “C” § 147-19: “The monies raised from the above tax is for the operation of the sanitary landfill and solid waste disposal”.

ARTICLE XVI ENACTMENT OF A TAX ON MOBILE TELECOMMUNICATIONS

§147-19 Imposition; amount

A tax will be charged consumers of telephone and electricity utilities as authorized in §§58.1-3812 and 58.1-3814, Code of Virginia 1950, as amended. This tax shall be levied on all residents of Appomattox County including those within incorporated towns.

C. Purchases of mobile telecommunication services:

Ten percent (10%) of the first thirty dollars (\$30) of the monthly bill.

This tax is imposed or levied on a taxable purchase by a purchaser or consumer of such service if the purchaser's or consumer's service address is located in county.

§147-22 Definitions

A use in the Article, the following term(s) shall have the meanings indicated:

MOBILE LOCAL TELECOMMUNICATIONS SERVICE – means any two-way mobile or portable local telecommunication service, including cellular mobile radio telecommunication service and specialized radio.

Effective Date: This ordinance shall be effective 120 days after certified written notice of its enactment is received by the registered agent of the service providers required to collect tax.

REPEAL "C" Section 147-19

The monies raised from the above tax is for the operation of the sanitary landfill and solid waste disposal.

Mr. Carter asked if there were any comments.

Hearing none, the public hearing was closed at 6:12 p.m.


Samuel E. Carter, Chairman

On Monday, August 16, 2004, the Appomattox County Board of Supervisors held it's regularly scheduled meeting at 6:30 p.m. in the Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Conrad to give the invocation.

Mr. Carter next called for the **Setting of the Agenda:** There is one item to be added:
4A – RFP for Cleaning of New Courthouse

Mr. Carter then called for **Citizen Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Mr. Robert Hunt came forward. Mr. Hunt stated he was not sure of his address, that was why he was here. Mr. Hunt's address was Rt. 5 Box 670, Appomattox for a good number of years when it changed to 135 Country Estates Road about three (3) years ago. Now it is being changed again. It costs a lot of money to change an address. He estimates it cost him around \$150 the last time. Now the Streets that were just re-numbered, by your authority, are being re-numbered again. He wants to know why. He also questioned what was being done with the \$3.00 tax collected on his telephone bill for E-911.

Mr. Carter stated the County was under a state mandated ordinance that dictated that every street and every road in the County that has three (3) or more houses on it, will be E-911

addressed. In accordance with that, there will be many, many changes taking place. All of us will have to change our checkbooks, our credit cards, changing this and changing that, but it is something that has to be done. The end result will be that it will benefit each and everyone of us. The first time Mr. Hunt's address was changed, we were not under the E-911 mandate.

Ms. Ferguson explained that this money was being spent toward the addressing system now being installed.

Mr. Carter next called for the **ADMINISTRATIVE ITEMS:** (Items 1-4)

1. **Request for Musical/Entertainment Festival Permit:** Larry & Sterry Davis are requesting a permit to hold a summer festival at Stonewall Vineyards and Winery on September 11, 2004. They are also requesting the bond requirement be waived.

Mr. Conrad made a motion, seconded by Mr. Moore, to approve the Musical/Entertainment for Stonewall Vineyards and Winery to hold a festival on September 11, 2004 and that the bond requirement be waived. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Connie Purvis – Blue Ridge EMS Council:** Mrs. Purvis is applying for a grant to purchase EMT-B equipment training kits for area high schools. She hopes that with the availability of these kits in the high schools, our youth will become interested in the volunteer rescue squad system. Also, it may open career opportunities in hospitals, nursing homes, doctor's offices, and with paid agencies. She is requesting a letter of support for her grant application.

Mr. Conrad stated that during the budget process, the Board indicated that they supported the Blue Ridge EMS Council and what they are doing.

Mr. Craft made a motion, seconded by Mr. Conrad, to approve the letter of support for the Blue Ridge EMS Council's grant application. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

3. **Habitat for Humanity, Inc.:** Evelyn Ford, President of the Appomattox County Habitat for Humanity, Inc., is requesting that the building permit fee and the erosion and sediment control application fee be waived for their next house.

After some discussion regarding the waiving of these fees in the past, Mr. Moore made a motion, seconded by Mr. Armbrust, to waive the building permit and the erosion and sediment control application fees for the Appomattox County Habitat for Humanity, Inc. on their next house. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. **Bid for Landfill Roll-off Truck:** Mrs. Rockefeller has provided bid totals for the purchase of a new roll-off truck. This equipment purchase was included in the FY2005 budget. Staff recommends accepting the low bid of \$98,719.00 received from Cavalier Equipment Corporation.

Mr. Moore asked if this figure includes all the equipment necessary to handle the containers, etc. or if we will need to have additional work done for this.

Ms. Rockefeller stated that everything was included.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to accept the bid from Cavalier Equipment Corporation for a new landfill roll-off truck. Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 4A. RFP for Courthouse Cleaning Project:** Ms. Ferguson stated there are two methods of seeking bids for this project. One is through a Request for Proposal and the other through bid process. Normally, we would do a bid process, but due to the fact that this is such a huge contract and the need to be able to negotiate with the individuals and be sure they have done this type of work before, she is requesting the Board approve the RFP process to be used for this project. Mr. Overstreet will explain the reasons for taking this route.

Mr. Overstreet stated that whenever we want to procure goods or services we are required to follow the Virginia Procurement Act and for professional services, we are required to go through competitive negotiations. For non-professional services we are required to use the low-bid process – so you would put out an invitation to bid. In this instance, we wondered if it wouldn't be prudent to consider procuring these particular services through the competitive negotiation process. The Code of Virginia allows us to use competitive negotiations for non-professional services if the public body determines competitive sealed bidding is either not practical or not physically advantageous to the public. In this particular instance of procuring janitorial services to the Courthouse, it is almost equivalent to having employees, because the service is as important if not more important than the cost is. If the Board makes a determination that it is not practical to use competitive seal bids, then you can make the determination that the best course of action would be to have competitive negotiations. In this instance, you may choose a firm that may charge more but be more reliable, trustworthy, etc. not necessarily the lowest bidder. You as the governing body has to make this decision.

After some discussion, Mr. Armbrust made a motion, seconded by Mr. Conrad, to issue a Request for Proposal for the Cleaning of the new Courthouse. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for action on the **CONSENT AGENDA:** (Items 5-13)

Mr. Carter also stated that the dollar amounts in item 7b needed to be changed:

\$3,553.00 changed to \$5,628.44

\$3,957.00 changed to \$6,032.44

This change is necessary due to the fact that when the new propane tanks were installed, we did not have the cost of filling them. Today, we received the cost for filling these tanks as well.

5. **Approval of Minutes:** Please approve minutes of Regular Meeting on July 19, 2004 and a Work Session on July 28, 2004;
6. **Approval of bills:** Please approve bills for payment as presented.

FUND TRANSFERS:

7. Courthouse Construction Bond:

- a. **Interior signage:** The amount allocated for interior signage has been exceeded and some name strips still need to be engraved at an additional cost of \$404.00.
- b. **Propane Tanks:** The two propane tanks needed for the Courthouse were not included in the contract with Jamerson. The cost of the tanks is \$5,628.44. Please transfer \$6,032.44 from the Courthouse Construction Bond to cover the above expenses.

8. **Ballpark Fund:** Please transfer and appropriate as a supplemental appropriation \$429.00 to pay for tree clean-up at the ballpark.

SUPPLEMENTAL APPROPRIATIONS:

9. **Commissioner of Revenue:** Please appropriate by supplemental appropriation \$1,250.00 for Commissioner of Revenue's staff to attend the Commissioner's annual convention for the purpose of taking educational courses.
10. **Board of Supervisors:** Please appropriate by supplemental appropriation \$503.86 to cover unemployment insurance for the 2nd quarter of 2004. Due to a computer program change, the correct formula for Virginia was not included. This has been corrected.
11. **Sheriff's Department:**
- a. Please appropriate by supplemental appropriation \$722.61 to cover overtime reimbursed by a grant.
 - b. Please appropriate by supplemental appropriation \$1,028.00 as matching funds for a DCJS grant from the federal government.
12. **Appomattox County School Board:** Please appropriate by supplemental appropriation \$314.47 to cover expenses incurred in the operation of the court and recreation facilities at the old elementary school.

LINE ITEM TRANSFERS:

13. **Board of Supervisors:** Please transfer \$9,400.00 from Operating Reserve to Retiree Benefits to cover health insurance premiums paid by retirees.
Mr. Moore made a motion, seconded by Mr. Craft, to approve the **Consent Agenda** as presented with changes as noted. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 14-19)

14. **Robert E. Lee Soil and Water Conservation District:** The Robert E. Lee Soil and Water Conservation District has provided copies of minutes of Board of Directors meeting- June 24, 2004.
15. **Pamplin Volunteer Fire Department:** Pamplin Volunteer Fire Department thanks you for your support.
16. **Landfill Inspections:** We have received the last inspections report on the landfill and bailing facility. No violations were reported.
17. **E-911:** Update received from Timmons Group concerning the progress of the addressing for E-911.
18. **Appomattox County Public Schools Financial Report:** School Financial Report for the month of July 2004.
19. **Parks, Recreation and Tourism:** Ms. Dixon's report of activities for the month of August 2004.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Conrad stated he has had a complaint that the NESBE Cable Internet service is not what it should be. It is not uncommon for everything to go haywire several times in one night. There does not seem to be any complaints against the Cable TV service.

Ms. Ferguson will contact NESBE regarding this problem.

Mr. Armbrust has a concern regarding the dumpsters at Route 667. The recycling container at this site is not being used and this recycling bin should be removed.

Mr. Craft has some concerns regarding discarded appliances at the Oakville site.

Mr. Carter then called for a short recess until 7:00 p.m.

At 7:00 p.m. Mr. Carter reconvened the meeting and called **Mr. Gary Heiser - Virginia Department of Forestry** to address the Board.

Mr. Heiser gave the Board the annual report from the Forestry Department and also presented the Board with a check for \$35,725.00. The Forestry Department has done about 150 acres of thinning and about 250 acres were re-forested. Every ten years they do a complete inventory of the forest. In 1971 they harvested 253,000 cords of wood. In the last thirty years they have harvested 297,000 cords.

Mr. Carter thanked and excused Mr. Heiser.

Mrs. Ora McCoy next addressed the Board. Mrs. McCoy, as Chairman of the Carver Price Alumni Association, would like to present a proposed Memorandum of Understanding for the Carver Price Museum. (at this time she read the Memorandum of Understanding, a copy of which was handed to each supervisor). Mrs. McCoy then stated she would like for Mr. Ralph Johnson to present some other concerns of the Carver Price Alumni Association.

Mr. Ralph Johnson stated he had some questions regarding the renovations to the school building. Are the renovations limited?

Mr. Carter stated that the Board at this time was not in a position to answer Mr. Johnson's questions but they would try to get back with him at a later date. He further stated that they would get back to Mrs. McCoy after the County Attorney had reviewed the Memorandum of Understanding. Mr. Carter thanked both Mrs. McCoy and Mr. Johnson for their interest in the old Appomattox Elementary School.

Mr. Carter next called **Mr. Earl Dickerson and Mr. Jeff Grubbs of Hurt & Proffitt** to discuss costs analysis on various options for disposal of the county's solid waste.

Mr. Carter called for a short recess to allow Mr. Dickerson & Mr. Grubbs to set up their presentation.

Mr. Carter called the meeting back into session.

Mr. Dickerson introduced Ms. Nita Holt, Marketing Analysis for Hurt & Proffitt. Mr. Dickerson continued by giving a little background on the reason for this solid waste management study. They will determine what is the least expensive means of managing solid waste to meet the needs of the County. They presented how we got to where we are now, when the present landfill was opened, the various operations we have utilized, and our options for the future. Our future options are: continue landfilling with modifications; close landfill and transport to private landfill out of County; and pros and cons of manned drop-off sites. Also included in this presentation were costs of closing landfill and operating the alternatives. Hurt & Proffitt also

provided operating costs for some of the surrounding counties and their solid waste management plans.

Mr. Dickerson stated that this is more complicated than what we all had imagined. He also stated that the success that the County has at the landfill is due to Mrs. Rockefeller and her staff. They have succeeded in making the baler do what the baling company said it would do. You can design and draw on paper all day, but you have to have an operator and staff to make it work.

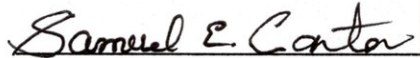
Mr. Dickerson presented a bound hardcopy of this information to each member present at the close of his presentation.

After a question and answer period, Mr. Carter thanked and excused Mr. Dickerson.

Mr. Dickerson further stated that even though Part "A" has been approved, if you proceed with the cell, it would take three (3) or four (4) months to get a design completed and submitted to DEQ. It would be at least a year before anything could be done.

Ms. Ferguson stated that time is of the essence for a decision on this issue.

At 8:26 p.m. Mr. Conrad made a motion, seconded by Mr. Craft to adjourn until August 23, 2004 at 5:00 p.m. This meeting will be held at the Office of the County Administrator. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, August 23, 2004 the Appomattox County Board of Supervisors reconvened a meeting recessed from August 16, 2004 at the Office of the County Administrator, Morton Lane, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
Alice Rockefeller – Landfill Supervisor

At 5:30 p.m. Mr. Carter reconvened the meeting and gave the invocation.

Ms. Ferguson handed out a report from Jeff Grubbs of Hurt & Proffitt and explained that after the last meeting, he did some further calculations and looked at a few other scenarios based on the questions asked. This resulted in some changes in the total costs of the original study.

After a lengthy discussion Mr. Craft made a motion, seconded by Mr. Conrad, to have the County Administrator notify Earl Dickerson of Hurt & Proffitt, to proceed with Part B of the Landfill Permitting Process and to continue landfilling operations as we are presently doing. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Ms. Ferguson stated that the Landfill had an employee that has 30 years of service with the County and she has ordered a service pin to be presented to him at the Office of the County Administrator at 4:00 p.m. on Wednesday, September 1, 2004. She asked that the Supervisors be present for this presentation if possible.

Also, there were a few things to be discussed regarding the Courthouse:

Seeding and Shrubbery – The architect needs a date for his records. The Board set a completion date no later than October 15, 2004.

Furnishings: The Committee chose all the furnishings, etc., but failed to consider the appliances, such as refrigerators, microwave ovens, that would be needed for the kitchen and each of the break areas. Ms. Cunningham has notified Ms. Ferguson that these were not included with furnishings and that a County employee, or Maintenance Supervisor should look into the purchasing of these items. The estimated cost for these items is approximately \$2,500. Does the Board wish to provide these appliances?

Mr. Moore stated that every office that wants a refrigerator or microwave already has one and these can certainly be moved to the new office.

Mr. Conrad stated that these items were basically used on the employee's own time. They have the option of going out to lunch or if they prefer to stay in for lunch, the taxpayers should not have to pay for appliances to take care of their lunch needs. He feels each individual office should take care of providing these items.

It was the consensus of the Board that each individual office/department provide appliances, i.e. microwave ovens and refrigerators as needed.

Cabinetry: The walk through has been done. The substantial completion date for Jamerson was some time last week, August 15th or 18th. Everything is pretty much done with a few exceptions. The gentleman doing the cabinets has had some difficulties in getting this done but will be completed by September 15th. The contract states that if anything is not pretty much complete by the substantial completion date, the contractor can be fined \$1,000 dollars per day. If the Board does not feel this is necessary the item can be placed on the "punch list" which gives the contractor until September 15th, the drop-dead date, to get this completed. Does the Board wish to penalize the contractor, or place this on the "punch list"?

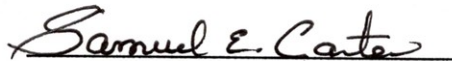
The Board by consensus added the cabinetry to the "punch list" with a completion date of September 5, 2004.

Darryl Puckett's Security Wall: The area designated for the secretary is basically one large room with no means of privacy for their files, the VCIN computer system and other documents and/or equipment that must be secured and not assessable to the public. The Commonwealth's Attorney had requested a wall similar to the security walls in the courtrooms and it was determined that this was not necessary. Mr. Puckett, Ms. Williams, and Ms. Ferguson have looked at this again and have determined that a half wall with a locked door would be sufficient. Mr. Jackson had given him a tentative price of approximately \$500 for this. Is this something the Board would consider approving, if so Ms. Ferguson will ask Mr. Jackson for a price. This is not something that has to be done within the time frame of completion.

Mr. Craft stated that the information on the VCIN system is extremely confidential and could create serious problems if this information was to be accidentally viewed by unauthorized persons.

The Board authorized Ms. Ferguson to obtain a cost for the construction of this security wall.

At 5:49 p.m. Mr. Moore made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 6:30 p.m. on Tuesday, September 7, 2004 the Appomattox County Board of Supervisors held its regular scheduled meeting at the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ABSENT: Shawn A. Armbrust – Wreck Island District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Carter opened the meeting and asked Mr. Moore to deliver the invocation.

Mr. Carter stated the first item for discussion was the **Setting of the Agenda:** There were no additional items to be added.

Mr. Carter next called for **Citizen Public Comments:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

No one had anything to be discussed.

Mr. Carter presented the **ADMINISTRATIVE ITEMS:** (Items 1 – 11)

1. **Request for Musical/Entertainment Festival Permit:** The Appomattox Moose Lodge is requesting permission to hold a turkey shoot on Sunday, October 24 and Sunday, November 7, 2004 and have the bond requirement waived. Everything appears to be in order.

After some discussion regarding the time and if there was anything pertaining to holding these events on Sunday, Mr. Craft made a motion, seconded by Mr. Conrad, to approve the request by the Appomattox Moose Lodge to hold a turkey shoot on Sunday, October 24th and Sunday November 7th, 2004, to begin no earlier than 12:00 noon. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

2. **Mobile Telecommunications (cell phones) Tax and Repeal of "c" Section 147-19 of the Utility Tax Ordinance:** The proper procedure has been followed for enacting or changing an ordinance. There were no comments received at the public hearing held on August 16, 2004 concerning the ordinance change.

Mr. Moore made a motion, seconded by Mr. Craft, to adopt the Enactment of a Tax on Mobile Telecommunications (cell phones) Article XVI-Section 147-19 of the Appomattox County Code. ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes, 1 absent)

Mr. Moore made a motion, seconded by Mr. Craft, to Repeal "C" section of 147-19 of Article XVI of the Appomattox County Code, which states "The monies raised from the above tax is for the operation of the sanitary landfill and solid waste disposal". VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

3. **Application for Fireworks Permit:** The Town of Appomattox is requesting a permit to hold a fireworks display at the John Cole Farm on Route 727, on October 9, 2004 at 8:00 P.M. in conjunction with the Historic Railroad Festival.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the Fireworks Permit application from the Town of Appomattox for a fireworks display on October 9, 2004 at

8:00 p.m. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

- 4. Mutual Aid Agreement with Campbell County:** Campbell County's Director of Public Safety is requesting permission for Virginia Ambulance to provide service in certain areas of Appomattox County. The areas in questions are those that are presently recognized by emergency service agencies as Concord Volunteer Rescue Squads service area.

Ms. Ferguson explained that certain areas of Appomattox County are serviced by the Concord Rescue Squad and if Concord is not available to take these calls, they are referred back to Appomattox. At the present time, Appomattox does not have a contract agreement with Virginia Ambulance and if Concord is not available, they cannot take these calls.

Mr. Carter feels this service is something Appomattox County desperately needs in order to serve the emergency needs of our citizens.

Mr. Conrad made a motion, seconded by Mr. Craft, to have Mrs. Ferguson send a letter to the Campbell County Department of Public Safety granting permission for Virginia Ambulance to serve those areas in Appomattox County currently served by the Concord Volunteer Rescue Squad. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

- 5. Memorandum of Understanding for Community Based Corrections Plan and Planning Study:** We have received a Memorandum of Understanding for the Community Based Corrections Plan and Planning Study for the proposed regional jail with Amherst and Nelson Counties.

Mr. Conrad made a motion, seconded by Mr. Craft, to enter into a Memorandum of Understanding for Community Based Corrections Plan and Planning Study with Amherst and Nelson Counties. This memorandum of understanding is for a study only. ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

- 6. Historic Appomattox Railroad Festival Parade:** The Railroad Festival Committee is inviting the Board of Supervisors to participate in this years parade to be held on Saturday, October 9, 2004 at 10:30 a.m.

Ms. Ferguson stated that Mr. Armbrust had informed her of his willingness to participate.

After some discussion, the Board Members decided they would all participate in the Railroad Festival Parade to be held on Saturday, October 9, 2004 at 10:30 a.m. The Board members also chose to walk.

- 7. VACo Board of Directors:** The Campbell County Administrator is requesting that you support Hugh T. Pendleton for VACo's Board of Directors for a term of four (4) years.

Mr. Carter stated that Mr. Pendleton is really involved in VACO and with the Campbell County Board of Supervisors for several years. Also, Mr. Pendleton is currently fulfilling an unexpired term on the VACo Board of Directors.

Mr. Moore made a motion, seconded by Mr. Conrad, to issued a letter of support for Hugh T. Pendleton to be appointed to the VACO Board of Directors for a term of four (4) years. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

8. **Mausoleum:** There has been considerable discussion over having the mausoleum cleaned and who is responsible. Minutes from July 22nd, 1922 Board of Supervisors' meeting indicate that the Flood family will be responsible for the upkeep of the mausoleum.

Mr. Craft made a motion, seconded by Mr. Moore, to have the County Attorney write a letter to the Flood family requesting that the mausoleum be cleaned. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes- 1 absent)

9. **Agenda Packets:** On August 2nd, 2004, Mr. John Wilson approached the Board with some concerns about the time frame that has been established for preparation of the Board Agenda Packets. Mr. Wilson was unable to attend tonight's meeting, but asked Mr. Carter to bring this matter before you for consideration.

Mr. Wilson has suggested that a copy of the Board of Supervisors packet and agenda be made available to the public, perhaps at the Library or some public location.

Mr. Carter stated he felt the citizens should be informed and the intent of this suggestion is good. The problem he feels is bad press or letters published in the papers. The feedback he has received over the years is that the citizens feel the present cutoff date does not enable them to get things discussed in a timely manner. This request has also been made to the Appomattox Town Council and Mr. Lawson commented "He receives his agenda when he gets home from work on Friday. It is as accessible to the public as it is to town council". He can see both sides of it and in the past we, the Board, have been chastised for cutting the time frame.

Mr. John Wilson asked to make a comment. He stated that Mr. Lawson's comment is not quite true. He is not sure he understood or maybe it wasn't fully explained, but the agenda packet is not as available to the public as it is to Mr. Lawson. He can pick up or have a copy of it delivered to his door on Friday afternoon, and he has the whole weekend to study it. The citizens are only able to get this information on Friday, if they are off work, retired or unemployed. The office is closed over the weekend and this information is not available. This discourages citizens from getting involved in issues of interest.

Mr. Conrad discussed the possibility of putting this on a website.

After a lengthy discussion, the Board by consensus, decided to leave this matter as it is presently being done.

Mr. Carter next called **Mr. Kenny Rowlette – Reenactment Committee** to address the Board. Mr. Rowlette will address various articles that he has seen in the Times-Virginian. He feels the Board needs further information concerning the last reenactment and some of the expenses listed.

Mr. Rowlette distributed a handout on the Battle of Lynchburg 2004 Economic Impact. He discussed the Sales taxes that were generated by the last reenactment. The greatest increase in revenue was in meal taxes basically in the Town of Appomattox.

Mr. Rowlette also stated that next year, they will not be providing meals for the Generals, as they have in the past. They did pay for some meals for those people working for the reenactment, such as a lunch, etc. Items listed as being paid to Wayne Phelps, were funds paid to people that were working for him, not to him personally.

The Board in good faith gave them money for insurance. The majority of this money was not used for insurance purposes. Up until two weeks prior to the event, they were facing the dilemma of whether or not to purchase rain insurance. The committee decided to use the balance of this money for advertising purposes, etc.

Mr. Rowlette apologized to the Board for not keeping them informed of changes that were made for the use of these monies.

Mr. Carter thanked and excused Mr. Rowlette.

Mr. Carter called for action on the next item under **Administration Items:**

- 10. Resolution of Support for Tourism Signs:** Anne Dixon has been working on placing tourism signs at various locations throughout the County. VDOT has agreed to install the signs but require a letter of support from the Board and also agreement that the Board will own and be responsible for maintenance of the signs.

Mr. Craft made a motion, seconded by Mr. Moore, to issue a letter to VDOT in support of placing the tourism signs in the county and also to take responsibility for the maintenance of these signs. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes- 1 absent)

- 11. Water Options:** Since the study done by Wiley & Wilson, another option for getting water to Appomattox has surfaced. There is a possibility of connection to a water line at Concord from Rustburg.

Recommendation is that the Chairman and County Administrator meet with Campbell County Board of Supervisors to talk with them about this possibility and ask if they would be willing for a feasibility study to be done on this option. This should be an addition to the study already in progress by Region 2000 Regional Commission.

Ms. Ferguson explained that we would be dealing with the Campbell County PSA. The source itself may not be any different, only the avenue to get it here and the cost. This is just another option that is out there that she feels needs to be looked into.

There was some discussion regarding whether or not the monies that we have already spent would cover this. The study we are paying for should consider every source that is out there.

The Board by consensus, agreed to pursue this option.

Mr. Carter next called for action on the **CONSENT AGENDA:** (items 12-20)

- 12. Approval of Minutes:** Minutes for regular meeting of 8-2-2004; Public Hearing-Tax on Mobile Telecommunications of 8-16-2004; regular meeting on 8-16-2004 and recessed meeting on 8-23-2004.
- 13. Approval of Bills:** Payment of bills as presented.
- 14. Timmons Group Change Order:** Change order from the Timmons Group for additional addressable structures that have been located and addressed since the origination of the contract. The additional cost to us is \$16,100.00.
- 15. Courthouse Change PCO #50:** Change order received in the amount of \$619.35 for installing a damper to the exhaust grill in the sally port to aid in protecting from heat loss.

SUPPLEMENTAL APPROPRIATIONS:

- 16. Courthouse Bond:** Supplemental appropriation in the amount of \$2,225.00 from Courthouse Bond to pay for 1/2 of the cost of purchasing and installing the blinds at the Courthouse.
- 17. Sheriff's Department:** Supplemental appropriation in the amount of \$285.81 for overtime incurred and reimbursed by the School Board.
- 18. Appomattox County Zoning:** Supplemental appropriation in the amount of \$16.15 for postage reimbursed by Spotts-Fain.
- 19. Landfill:** Supplemental appropriation in the amount of \$2,000.00 to the landfill for payment received from Emanuel Tire of Virginia for Solid Waste Permit Fee.

LINE ITEM TRANSFERS:

- 20. Board of Supervisors:** Please transfer \$1,526.37 from Operating Reserve to State and Local Hospitalization.

Mr. Conrad had a question regarding item #14 – Timmons Group Change Order. What was the cost for the original 6,000 structures? Ms. Ferguson will look into this for Mr. Conrad.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the **Consent Agenda** as presented. ROLL CALL VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

Mr. Carter next called the Board's attention to the **INFORMATIONAL ITEMS:**

- 21. 460 Traffic Study:** Response from VDOT concerning extending the 45 miles per hour speed limit on US460 to the entrance road at the Moose Lodge.
- 22. Old Elementary School:** Letter from Dr. Krug to the Carver-Price Alumni Association concerning the request from them wanting to know when the School System would be able to vacate the leased portions of the old school building.
- 23. E-911 Status:** Report from Timmons concerning the status of the addressing.
- 24. Town of Appomattox:** Agenda from the August 24, 2004 Town Council meeting.
- 25. Robert E. Lee Soil & Water Conservation District:** Minutes of the Board of Directors meeting held on July 22, 2004.
- 26: Supervisor's Concerns:**
Mr. Craft would like to take a vote on the donation to the Re-enactment.

Mr. Carter stated that Mr. Rowlette has commented on the questions regarding the expenditures and other questions the Board had. The Board previously had stated they would give monies to this event as a one time affair and after that, the Reenactment Committee would be on its own.

Mr. Moore stated he felt the reenactment did a lot for the County and we contribute to a lot of other things – he has a problem with not continuing with their support. He feels we should contribute something, how much he does not know.

Mr. Craft made a motion, seconded by Mr. Conrad, to not give any monies to the 2005 reenactment. VOTE: Mr. Conrad, aye, Mr. Craft, aye; Mr. Moore, nay; and Mr. Carter, aye. (3 aye votes, 1 nay vote and 1 absent).

**Upcoming Meetings
September 20, 2004
Town Office
6:30 p.m.**

At 7:40 p.m. Mr. Moore made a motion, seconded by Mr. Conrad, to adjourn. VOTE: Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 absent)

Samuel E. Carter, Chairman

On Monday, September 20, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting at 6:30 p.m. in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Jr., Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney
John K. Spencer – Assistant County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Craft to give the invocation.

Mr. Carter stated the first order of business is **Setting the Agenda:** Item 20A – Supervisor Concerns needs to be added.

Mr. Carter next called for the **Citizens Public Comments Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizen.

No one signed up to speak at this time.

Mr. Carter then moved to the **Administrative Items:** (Items 1-6)

1. **Abandonment of State Route 710:** Letter has been received from VDOT concerning the abandonment of State Route 710. The National Historical Park Service has requested that this road be abandoned and the proper procedures have been followed.

Mr. Craft made a motion, seconded by Mr. Conrad to approve the request to abandon State Route 710 as requested by National Historical Park Service and approved by VDOT. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye and Mr. Carter, aye. (5 aye votes)

2. **Use of County Property for Railroad Festival Weekend:** The Town of Appomattox is requesting the use of the courthouse square and the new parking lot for the 32nd Annual Historic Appomattox Railroad Festival beginning on Friday afternoon, October 8th thru Sunday, October 10th, 2004. The Sheriff has agreed to make arrangements for his vehicles during this period of time.

Mr. Conrad stated that since the space has been made available in the past, he did not see any problem with approving this request.

Mr. Conrad made a motion, seconded by Mr. Armbrust, to allow the use of the new parking lot and Courthouse Square for the Railroad Festival to be held on October 8th through the 10th, 2004. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 3. Voting Credentials for the Annual Business Meeting of VACo:** The 2004 Annual Meeting of the Virginia Association of Counties will be held on Tuesday, November 9, at 10:15 a.m. at the Homestead in Bath County. The Board needs to designate a member as your voting member for this meeting.

Also, the County of Accomack is requesting your support for Donald L. Hart, Jr. for the Office of Secretary-Treasurer of the Virginia Association of Counties Board of Directors.

After some discussion, Mr. Moore made a motion, seconded by Mr. Armbrust, to designate Mr. Craft as the voting member for the VACo 2004 Annual Business meeting to be held on November 9th, 2004, and also to support Donald L. Hart, Jr. for the office of Secretary-Treasurer of the Virginia Association of Counties Board of Directors. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 4. Courthouse Change Orders:** The following change orders have been received from Craddock-Cunningham regarding the new courthouse:

- a. Request by the Fire Marshall for additional lights in each elevator shaft. Total number of lights is three (3) at a cost of \$848.00.
- b. The stairs leading to the roof area do not have rubber treads. Cost to install additional treads is \$1,795.00.
- c. During the walkthrough with Judge Poston, it was mentioned that the Board had chosen not to provide appliances for the kitchenettes. Judge Poston considers these to be furnishings and they must be provided.
- d. The lobby of the new courthouse has a wall that is extremely bare. It has been suggested that this would be a nice place to display the County Seal, the U. S. and State flags.

- 4a. After some discussion, Mr. Moore made a motion, seconded by Mr. Craft, to approve the change order for additional lights in each elevator shaft as requested by the Fire Marshall at a cost of \$848.00. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Crafts, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 4b. The Board by consensus, decided to take no action on this item.

- 4c. After some discussion, Mr. Conrad made a motion, seconded by Mr. Armbrust, to have J. E. Jamerson purchase these appliances through their supplier. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 4d. The Board by consensus tabled this item until the next meeting.

5. **Naming Road into Community Park:** The Appomattox Community Park Committee would like permission to name the new road going into the park "Kruschwitz Boulevard" in appreciation of all the work Fred Kruschwitz has donated at the park.

Mr. Conrad made a motion, seconded by Mr. Moore, to name the road going into the new Appomattox Community Park "Kruschwitz Boulevard" in appreciation of all the work Fred Kruschwitz has contributed to this project. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

6. **Appomattox County Rescue Squad:** The Appomattox County Rescue Squad is requesting the Board consider donating \$20,000.00 toward the cost of their new truck. This request was included in the FY2004 budget but due to the fact that the rescue squad grant was not approved until after June 30, 2004, they were unable to access these funds. This donation was contingent on the rescue squad receiving grant funds from the State.

Since these funds were included in the FY 2004 budget and were never expended, Mr. Craft made a motion, seconded by Mr. Conrad, to approve the Appomattox County Rescue Squad's request for \$20,000.00 toward the purchase of a new truck and supplement the FY2005 budget for this same amount. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for action on the **Consent Agenda:** (Items 7-15)

7. **Approval of Bills:** Please approve bills for payment as presented.

FUND TRANSFERS:

8. **CSA:** Please transfer \$1,250.00 from the CSA fund to pay for coordination for the month of September, 2004.
9. **Revenue Maximization Funds:** Please transfer \$195.50 from the Revenue Maximization Fund to cover expenditures.

SUPPLEMENTAL APPROPRIATIONS:

10. **Department of Health:** Supplemental appropriation in the amount of \$1,309.00 for additional funding to be provided for employee pay plan adjustments and employee health care premiums.
11. **Sheriff's Department:** Supplemental appropriation in the amount of \$2,162.95 for insurance reimbursement.
12. **Sheriff's Department:** Supplemental appropriation in the amount of \$5,694.91 for the purchase of computers approved by the Compensation Board.
13. **Sheriff's Department:** Supplemental appropriation in the amount of \$6,664.00 for housing of prisoners at the Blue Ridge Regional Jail.

14. **Appomattox County School Board:** Supplemental appropriation in the amount of \$82.45 for reimbursement of expenditures for operation of the old elementary school for use as a court and recreational facility.
15. **Registrar:** Supplemental appropriation in the amount of \$1,538.70 for expenditures made for roofing materials for county owned precinct buildings that should have been paid in FY2004.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve the **Consent Agenda** (items 7-15) as submitted. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 16-20)

16. **Department of Environmental Quality:** Letter received notifying the County of the Town's application for re-issuance of certain permits.
17. **Town of Appomattox:** Agenda for Utility Committee meeting held on August 30, 2004, and Council agenda for September 13, 2004.
18. **Appomattox County School Board:** Monthly financial report for month of October 2004.
19. **Letter from Virgil H. Goode, Jr.:** Letter from Virgil H. Goode, Jr. informing the Town Council of funds that have been earmarked in the amount of \$150,000.00 for renovation of the Carver-Price building (old AES) that has been approved by the House Appropriations Committee.
20. **Appomattox County Park, Recreation & Tourism:** Tourism activities report for the Month of September, 2004.

**UPCOMING MEETINGS
BOARD OF SUPERVISORS
MONDAY, OCTOBER 4, 2004
TOWN OFFICE BUILDING
6:30 P.M.**

Mr. Carter next asked for **Supervisor Concerns:**

Mr. Conrad stated that the Biosolids situation from last week needs to be monitored.

Mr. Armbrust stated he had several complaints regarding biosolids being spilled on the roads.

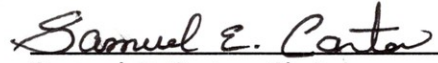
Ms. Ferguson stated that she would be looking into a biosolids ordinance and the possibility of joining with other localities to hire a biosolids monitor.

Mr. Carter made several comments on the re-enactment and what the County does for this event.

At 7:00 p.m. Mr. Carter recessed to the Joint Public Hearing with the Appomattox County Planning Commission.

At 7:32 p.m. Mr. Carter reconvened the Board meeting.

At 7:33 p.m. Mr. Armbrust made a motion, seconded by Mr. Craft to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 7:00 P.M. on Monday, September 20, 2004 the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held a joint Public Hearing at the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Planning Commission)

Kevin O'Brien, Chairman
Steve Conner
Al Sears
Jim Seftor
Barry Morris
Marvin Mitchell
Robert Johnson
Calvin Tanner

ABSENT: (Planning Commission)

Jerry Hughes

ALSO PRESENT:

Aileen T. Ferguson- County Administrator
J. Overstreet – County Attorney
John K. Spencer – Assistant County Administrator

At 7:00 p.m. Mr. Carter opened the Public Hearing and read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by

the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter asked Mr. Spencer to read the first petition:

04-532 – Betty S. Krantz: The applicant is requesting a Conditional Use Permit to allow the operation of a boarding kennel for approximately 25 dogs on Route 667 between Route 460 and Route 668. The subject property, Tax Map #61(A)3, is 29.95 acres and is zoned Agricultural District A-1.

Mr. Spencer asked if there was anyone present to speak for this petition.

Mr. Harold Moon of 3325 Smokey Hollow Road, Lynchburg came forward. Mr. Moon stated they had in mind to operate a kennel for approximately 25 dogs with a 30' x 60' building. They plan to build a home on the property before starting with the kennel construction. The property contained about 29.95 acres, primarily wooded.

Mr. Spencer asked if anyone wished to speak against the petition.

Mr. Spencer read the following letter into the record:
September 14, 2004

John K. Spencer
Office of Building & Housing
P.O. Box 787
Appomattox, VA 24522

Dear Mr. Spencer:

Due to my recent surgery, neither my wife nor I will be able to attend the Joint Public Hearing on September 20, 2004 concerning the request by Betty S. Krantz for a Conditional Use Permit to allow the operation of a boarding kennel on Route 667, Tax Map #61(A)3. My wife and I are opposed to such a permit. We do not believe that a boarding kennel should be located in an agricultural district. We purchased our property for the peace and serenity of a rural area, without the aggravation of 25 dogs barking and disturbing the peace. And we're concerned that kennel of this size may reduce the salability and value of our property.

We respectfully request that the commission deny this request.

Sincerely,
Signed: William D. Royal
William D. Royal
Rt. 1, Box 63DDD
Pamplin, VA 23958

Ms. Betty Krantz, Route 1, Box 2595, Spout Spring, Va. 24593. Ms. Krantz stated that at this time there is no dwelling on the Royal property and they have no plans at the present time, that she is aware of, that they will be living there for the next several years.

Mr. Spencer then read the next petition:

04-533 – Robert C. Stephens: The applicant is requesting to rezone 12.65 acres located on Route 609 between Route 460 and Route 24 from R-1 Residential to R-2 Residential to allow the placement of doublewide mobile homes. The subject property consists of Tax Map Numbers 72(1)A&B and 72(2)2-6.

Mr. Conner asked if part of this property was indeed zoned A-1 Agricultural?

Mr. Spencer stated that this was correct. Part of the property is in fact zoned A-1.

Mr. Spencer asked if there were any comments for or against this petition.

Hearing none, Mr. Spencer read the next petition:

04-534 – Robert M. Garrette: The applicant is requesting to rezone 3.22 acres located on Route 800 between Route 460 and Route 24 from A-1 Agricultural to R-1 Residential. The subject property is a portion of Tax Map Number 72(A)4.

Mr. Spencer asked if there was anyone present to speak for or against this petition.

Hearing none, Mr. Spencer then read the last petition:

04-536 – BFI Transfer Systems of Virginia, LLC and Clayton C. Bryant: The applicants are requesting to rezone 12.15 acres located on Route 460 between Route 609 and Route 608 from Commercial District B-1 to Industrial District M-1. The applicants are also requesting a Conditional Use Permit to operate a solid waste transfer station at this location. The subject property is identified as Max Map Number 60(8)12.

Mr. Spencer asked if anyone wished to speak for this petition.

Mr. Mead Spotts of 411 E. Franklin Street, Richmond, Va. 23219, came forward to speak on behalf of BFI. Mr. Spotts passed out some site plans for this property located on the western edge of Appomattox County. It is surrounded by property zoned B-1, M-1 and A-1. They have spoken with several of the adjoining property owners and have received no negative feedback. The construction costs will be approximately 1.5 million dollars consisting of a 10,000 square foot building.

Mr. Spencer also read the following letter into the record:

John Spencer
Assistant County Administrator
P.O. Box 787
Appomattox, VA 24522

Dear Mr. Spencer:

As I communicated in our conversation on Tuesday, September 14, 2004, Gleaning For The World, Inc. has been in discussion with representatives from BFI Transfer Systems of Virginia for two (2) years regarding the use of the 12.15 acres in Appomattox County. WE have also discussed the sell and use of the land with Clayton C. Bryant. WE are satisfied that BFI will be a good neighbor and good for the county. I realize that the disposal industry is closely regulated, therefore, discharging any fears of damage to streams and the soil. The transfer station is not a landfill but a location where disposable waste can be collected, bailed and transferred to

acceptable locations. The company has also discussed ways in which we can work together as industrial leaders in this community to provide services for the people in Appomattox.

Therefore, it is my recommendations that the land owned by C. Clayton Bryant be rezoned to Industrial District M-1 for the purpose of the construction of a solid waste transfer station by BFI transfer Systems of Virginia.

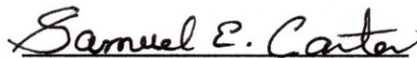
If I can add additional comments as the adjoining land owner, please feel free to contact me. I am sorry I could not be at the hearing this evening, but I had a previous appointment in Washington D. C. Thank you for the opportunity to express my opinion as President of Gleaning For The World, Inc.

Sincerely,
Rev. Ronald T. Davidson
President and CEO

Mr. Spencer asked for comments against the petition.

Hearing no further comments, Mr. Spencer turned the meeting back to Mr. Carter.

At 7:32 p.m. Mr. Carter closed the Public Hearing.


Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, October 4, 2004, the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers at the Appomattox Town Office, located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
J. Overstreet- County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Moore to deliver the invocation.

Mr. Carter stated the first order of business was the **Setting of the Agenda**: There were no topics to be added.

The next item on the agenda was **CITIZENS PUBLIC COMMENTS PERIOD:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Ms. Jackie Drinkard – President of the Chamber of Commerce. Ms. Drinkard stated she had just been elected President of the Appomattox Chamber of Commerce and wanted to introduce herself to the Board. She stated she was going to work very hard to make Appomattox a place everyone would be proud of. She and her husband are both very active in civic affairs and if at any time the Board has questions, please feel free to contact her.

Mr. Carter thanked Ms. Drinkard and expressed the Board's desire to work with her and the Chamber in the future.

Mr. Carter next called attention to the **ADMINISTRATIVE ITEMS:** (Items 1-5)

1. **PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission has submitted the following recommendations to the Board of Supervisors.

Petition #04-532 of Betty S. Krantz: Conditional Use Permit to allow the operation of a boarding kennel for approximately 25 dogs on Route 667 between Route 460 and Route 668. The subject property, Tax Map #61(A)3, is 29.95 acres and is zoned Agricultural District A-1.

The Planning Commission recommends approval of the Conditional Use Permit.

Mr. Armbrust said the only question he has is the wording "approximately 25 dogs". What does approximately mean, 25, 30 or 40 dogs.

Ms. Krantz stated that there would be a maximum of 25 dogs at any one time.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve Petition 04-532 of Betty S. Krantz for a Conditional Use Permit to allow the operation of a boarding kennel for a maximum of 25 dogs on Route 667 between Route 460 and Route 668. Property is Tax Map #61(A)3, is 29.95 acres and is zoned Agricultural District A-1. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Petition #04-533 of Robert C. Stephens: Rezone 12.65 acres located on Route 609 between Route 460 and Route 24 from Agricultural District A-1 and Residential District R-1 to General Residential District R-2 to allow the placement of doublewide mobile homes. The subject property consists of Tax Map #72(2)2-8 and a portion of 72(1)A.

The Planning Commission recommends approval of this rezoning request.

After some discussion Mr. Armbrust made a motion, seconded by Mr. Craft, that for reasons of public necessity, convenience, general welfare and good zoning practice, to approve Petition #04-533 of Robert C. Stephens to rezone parcel numbers 72-(2)2, 72-(2)3, 72-(2)4, 72-(2)5, 72-(2)-6, 72-(2)7, 72-(2)8 and a portion of 72(1)A, located on Route 609 between Route 460 and Route 24 from Agricultural District A-1 and Residential District R-1 to General Residential District R-2. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Petition #04-534 of Robert M. Garrette: Rezone 3.22 acres located on Route 800 between Route 460 and Route 24 from Agricultural District A-1 to Residential District R-1 for the purpose of allowing single family development. Property is a portion of Tax Map #72(A)4.

The Planning Commission recommends approval of this rezoning request.

Mr. Craft made a motion, seconded by Mr. Armbrust, that for reasons of public necessity, convenience, general welfare, and good zoning practice, to approve Petition #04-534 of Robert M. Garrette to rezone 3.22 acres located on Route 800 between Route 460 and Route 24 from Agricultural District A-1 to Residential District R-1 for the purpose of allowing single family development. Property is a portion of Tax Map #72(A)4. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Petition #04-535 of BFI Transfer Systems of Virginia, LLC and Clayton C. Bryant: Rezone 12.15 acres located on Route 460 between Route 609 and Route 608 from Commercial District B-1 to Industrial District M-1. Also request a Conditional Use Permit to operate a solid waste transfer station at this location. Property is identified as Tax Map 60-(8)12.

The Planning Commission recommends approval of this petition with the conditions as proffered by the applicant.

Mr. Conrad questioned item 15 of the proffer: "The facility shall be limited to accepting 1,000 tons per day, based on a thirty-day average". How many trucks would that be coming in and out of the County during the day hauling trash?

They do not anticipate reaching the 1,000 tons per day capacity in the near future. Initially there will be approximately 20-24 tractor-trailers hauling 300 tons per day.

Mr. Conrad also questioned how far off the road BFI was responsible for cleaning up, should trash blow/fall off the trucks.

The proffer requires them to pick up trash on both side of Route 460 on all sections of the road either adjacent to or within 100 yards of the Transfer Station boundary. Also, with permission from adjoining property owners, they are required to remove any wind blown debris originating from the transfer station. They will also have a 24 hour telephone number for the reporting of these instances.

Mr. Armbrust had a question regarding Item 8 of the proffer pertaining to the convenience center adjoining the Transfer Station.

The response was the land will be available for this center. BFI at one point was going to provide this, but later decided it would be providing a service without an RFP or procurement procedure. They will however, provide this area, pave and fence it in. The County can at a later date decide if they will man this site.

Ms. Ferguson asked for clarification on the question of whether or not private citizens would be allowed to dispose of waste at this facility.

Response was that the facility would be open to the public, if anyone wished to use the facility and be willing to pay the tipping fee.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve for reason of public necessity, convenience, general welfare and good zoning practice the Petition #04-536 of BFI Transfer Systems of Virginia, LLC and Clayton C. Bryant, to rezone 12.15 acres located on Route 460 between Route 609 and Route 608 from Commercial District B-1 to Industrial District M-1, tax map #60-(8)12, as proffered by applicants. (See below). VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Conrad made a motion, seconded by Mr. Armbrust, to approve Petition #04-536 of BFI Transfer Systems of Virginia, LLC and Clayton C. Bryant, for a Conditional Use Permit to operate a solid waster transfer station on 12.15 acres located on Route 460 between Route 609 and Route 608 from Commercial District B-1 to Industrial District M-1, tax map #60-(8)12, with proffers as follows:

Proposed Conditions to be attached to
Conditional Use Permit requested by BFI

1. The Transfer Station shall meet all of the requirements of the Commonwealth of Virginia Department of Environmental Quality and any applicable Federal regulations.
2. The Transfer Station will, at a maximum, only be allowed to receive waste between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 6:00 a.m. and 3:00 p.m. on Saturday or as required due to force majeure or as allowed by special permission of the County Administrator.
3. The Transfer Station shall not handle toxic or hazardous waste as those terms are defined by the Virginia Department of Environmental Quality or the Environmental Protection Agency.
4. The Transfer Station shall contain sufficient landscape buffering, to include berms and plantings, to adequately screen surrounding properties in a manner to be approved by the County at the time of Plan of Development review.
5. The Transfer Station shall contain lighting designed so as to cause the least impact to the surrounding properties and roads, and as approved by the County at the time of Plan of Development review.
6. The Applicant will make those improvements required by VDOT in relation to the extension of the deceleration lane on 460 East and the improvement of the right turn lane on State Route 609 South reasonably necessary to adequately serve the Transfer Station.
7. The Applicant shall daily monitor and clean up trash along the County and State right of ways on both sides of Route 460 and Route 609 on all sections of those roads either adjacent to or within 100 yards of the Transfer Station boundary. With permission of adjoining property owners, the Applicant shall remove any wind blown debris from adjacent properties originating from the Transfer Station.
8. Upon the opening of the Transfer Station for use by the Applicant, the Applicant will provide land for a convenience center on the property or immediately adjacent property for use by residents of Appomattox County at such time as the need is identified by the

County. This area will (a) contain a minimum of 10,000 square feet, (b) be paved and include a paved road from Route 609, (c) be fenced off from the remainder of the Transfer Station, and (d) will be open during the same hours of operation as the Transfer Station. The Applicant will open, close and lock the gate of the convenience center and remove litter on a daily basis. The County will make improvements, man the convenience center and contract for waste removal as its deems appropriate.

9. All solid waste will be contained at all times.
10. The Applicant shall operate a system designed to maintain odors, and shall maintain a third party contract to control vector/pest issues.
11. For so long as the Transfer Station is in operation, the Applicant shall maintain a closed monitoring camera system at all times during the hours in which the Transfer Station is closed.
12. The Applicant shall post a 24-hour contact number for emergencies, concerns or complaints involving the facility.
13. Any and all salvage vehicles, disabled vehicles not under active repair and spare parts will be enclosed.
14. The Applicant will direct all commercial vehicles under its control to exit the facility under a "right turn only" policy so that such vehicles will return directly to Route 460 via State Route 609.
15. The facility shall be limited to accepting 1,000 tons per day, based on a thirty-day average.
16. The facility shall maintain a buffer area along U. S. Route 460, fifty feet in depth, which buffer area shall consist of landscaping as approved by the County at the time of Plan of Development review. In addition, the western portion of the buffer area shall retain its natural vegetation. The buffer area, post construction, shall be impacted only by future ingress and egress needs, signage and utilities as approved by the County at the time of Plan of Development review.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **VACo's 2005 Legislative Program:** The Board has received VACO's 2005 Legislative Program priorities. Does the Board have any comments?

There were no additions or comments from the Board at this time.

3. **Carver-Price Alumni Association Memorandum of Understanding:** Mr. Overstreet has responded to the Board's request to review the Memorandum of Understanding presented at a previous meeting by Ms. McCoy, of the Alumni Association.

Mr. Carter stated there is already in existence an agreement with the School Board for use of areas of the Carver-Price Building. It is probably in the best interest of the County at this time to lease to the Carver-Price Alumni Association for an amount of \$1.00 per year, the four rooms of

the original Carver-Price School Building as discussed in the very beginning. This should not cause any conflicts with our existing priorities or uses of the school.

Mr. Moore made a motion, seconded by Mr. Conrad, to have Mr. Overstreet draft a Lease Agreement for an amount of \$1.00 per year, for the original four rooms of the Carver-Price School Building with the Carver-Price Alumni Association for use as a museum. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4. **Resolution Request for Funding State Parks:** The Cumberland County Board of Supervisors is requesting that the Board adopt a resolution requesting that funds be allocated to support additional operation and maintenance of improvements made to the State Parks.

Mr. Craft made a motion, seconded by Mr. Conrad to adopt the following resolution that funds be allocated to support additional operation and maintenance of improvements made to the State Parks.

RESOLUTION

ON REBENCHMARKING THE STAFFING AND OPERATIONAL AND MAINTENANCE FUNDING FOR VIRGINIA STATE PARKS

WHEREAS, the Appomattox County Board of Supervisors commends Governor Warner and the Senate of Virginia and House of Delegates for working cooperatively with the Department of Conservation and Recreation in their support of Virginia's state park system; and

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and became recipients of the National Gold Medal Award; and

WHEREAS, Virginia's state parks rank fiftieth in the state funding among the fifty states in both per capita and proportion of the state budget dedicated to state parks; and

WHEREAS, our state park system is a major component of Virginia's outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

WHEREAS, Virginia voters demonstrated both in 1992 and 2002 support for improving and expanding state parks with nearly seventy per cent support for general obligation bond referendums in state-wide elections; and

WHEREAS, the need for a major rebenchmarking of funding and staffing for state parks has been identified and supported by the former Commission on the Future of Virginia's Environment (2002 Senate Document 4); and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of million of dollars in deferred maintenance; and

WHEREAS, the expansion in facilities and responsibilities made possible by the 1992 and 2002 general obligation bond projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

WHEREAS, the new facilities under construction and to be built by proceeds from the 2002 GOB will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions; and

THEREFORE BE IT RESOLVED, that the Appomattox County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

5. **Contract for Cleaning Courthouse:** Proposals for the cleaning of the Courthouse have been received and three (3) applicants were interviewed.

Ms. Ferguson stated that we put out an RFP instead of an Invitation to Bid so that we could interview the applicants thoroughly. The low bid was not necessarily the paramount reason for selecting a firm. We interviewed one local group and one small firm out of Lynchburg. TCM was by far the best applicant. They employ around 200 people and they have provisions for emergencies and they will put three (3) employees here. Their cleaning will begin at 4:30 p.m. and it will take approximately three (3) hours to complete the process. They will clean Monday thru Friday. Periodically they strip and wax the floors and shampoo the carpets. This will be done by a separate crew. They have back-up provisions, in case one of their employees is unable to be on the job. They have liability insurance and they are prepared for any unforeseeable event. They also have kits available for accidents that occur during the day until one of their employees can arrive to handle these occurrences. Ms. Ferguson would like permission to enter into a contract for one (1) year with an option to renew if work is performed satisfactorily. Said contract can be terminated at any time with written notice if problems arise.

Mr. Craft made a motion, seconded by Mr. Conrad to accept TCM's bid to perform the cleaning services for the new Courthouse for a period of one (1) year with an option to renew. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next called for the **CONSENT AGENDA:** (Items 6-11)

6. **Approval of Bills:** Please approve by consent bills as presented for payment.
7. **Approval of Minutes:** Please approve by consent minutes of Regular Meeting on September 7, 2004; Regular Meeting on September 20, 2004; and Joint Public Hearing on September 20, 2004.

SUPPLEMENTAL APPROPRIATIONS:

8. **Appomattox County School Board:** Please approve by consent supplemental appropriation in the amount of \$795.03 for funds deposited with the Treasurer for the period of August 2004 – September 2004 for dental insurance premiums paid by employees. This is pass through money only.

FUND TRANSFERS:

9. **Community Park Fund:** Please transfer and approve by consent supplemental appropriation in the amount of \$781.00 to pay for seed for the Community Park.

LINE ITEM TRANSFERS:

- 10: **Landfill:** Please transfer \$15,439.00 by consent from Operating Reserve to the Landfill Professional Services to pay Hurt & Proffitt for the Study done on landfill alternatives.

11. **County Administration:** Please transfer \$3,313.61 from Operating Reserve to the County Administrator's budget to pay for new telephone system one time expenses.

Mr. Armbrust made a motion, seconded by Mr. Conrad, to approve the **Consent Agenda** as presented. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next read the **INFORMATIONAL ITEMS:** (Items 12 – 15)

12. **Evergreen Music Festival Report:** Letter received from Ken Swanson containing report on the Music Festival held on September 4, 2004 as requested by the Board.
13. **Town of Appomattox Workshop Agenda:** Agenda for workshop held on September 28, 2004.
14. **Robert E. Lee Soil & Water Conservation District Board of Directors Meeting:** Minutes of August 26, 2004 Board of Directors Meeting of the Robert E. Lee Soil & Water Conservation District.
15. **Appomattox County School Board:** Financial report for the month of November 2004.

Mr. Carter next called for **SUPERVISOR CONCERNS:**

Mr. Conrad commented on recent actions regarding the re-enactment. There has been some talk about the Board being reimbursed for the extra monies spent over and above the amount spent for insurance. He feels in the best interest of everyone involved that the Board of Supervisor decline this offer.

Mr. Carter agrees with Mr. Conrad. Decline the offer of re-imbursement.

Mr. Moore agrees with declining this offer.

Mr. Armbrust has no concerns.

Mr. Craft commented on the costs of housing prisoners with other localities.

Mr. Moore had no concerns.

Mr. Carter stated he had been approached about having an open house at the new Courthouse. He has talked briefly about this with Ms. Ferguson and she has some ideas as to how to handle this by using the staff of the County Administration Office.

Ms. Ferguson stated some of the court staff would be moving the last of the month and she suggested that the open house be held prior to their moving. Her office staff would provide guided tours and hopefully someone from the four (4) offices that would be located in the courthouse would be present also. She has also suggested that cookies and punch be served. She will discuss this with those offices that will be located there, the judges, as well as the Sheriff's office.

By consensus, the Board agreed to hold this Open House on Sunday, October 17, 2004 during the hours of 2:00 to 4:00 p.m.

Mr. Armbrust stated he has had several comments regarding the volunteer rescue squad vs a paid rescue squad. Several other members stated that have been receiving comments as well.

Ms. Ferguson will check on the time and place for the Board Members to meet for the Railroad Festival Parade on Saturday, October 9th. Her staff will notify each member of this as soon as possible.

**Upcoming Meetings
October 18, 2004
Appomattox Town Office
6:30 P.M.**

Mr. Craft made a motion, seconded by Mr. Conrad, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, October 18, the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Hall, located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson, County Administrator
J. Overstreet – County Attorney
John K. Spencer – Assistant County Administrator

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Conrad to deliver the invocation.

Mr. Carter then stated the first order of business was the **Setting of the Agenda:**
The following item was added: 4A – Pamplin Fire Department Request.

Mr. Carter next opened the floor for **Citizen Public Comments:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Mr. Herbert Chambers stated he lived in the Clover Hill District of Appomattox County. He is retired and a member of the local Lion's Club and he would like to discuss an issue that was discussed at the last Lion's Club meeting regarding safety at the Shoppes of Appomattox and Wendy's. They are seeking the help of local civic groups

and the County leaders to see what can be done at this intersection and possibly have a traffic light installed. They have received positive responses from two (2) local Ruritan Clubs and also from Jim Ford, Bill Jamerson, Mayor Ronnie Spiggle and Marvin Hamlett of the Times-Virginian. The Appomattox Town Council and the Appomattox Chamber of Commerce have responded in a positive manner. Mr. Watkins Abbitt of the House of Delegates has informed them that the speed limit on the by-pass will more than likely be raised from 55 mph to either 60 or 65 mph in the near future. This is due to a law recently enacted by the legislature. The speed limit for westbound traffic would then be 55 on the east end of the bypass, increase to 60-65 on the bypass, reduce to 45 at the shopping center and then increase to 55 again near Appomattox Ford, all within approximately four miles. He will write a letter of support if we request one.

Mr. Chambers also reported some statistics from traffic counts conducted at this intersection. He is requesting guidance and support from the Board of Supervisors on this issue.

Mr. Carter stated that this subject has been addressed numerous times in the past and the Board of Supervisors is glad to see it being addressed by another identity. Public safety is of great concern to everyone.

Mr. Richard Haught of Route 615, Appomattox. He is present to express his disapproval of the petition to rezone a parcel of land on Route 615 for an At-Risk-Youth Ranch. He lives approximately ¼ miles from this property and has lived there for twelve (12) years and is raising three (3) children. His greatest concern is security. They plan to have an overall security run by the grounds and maintenance staff with one staff member for every 8 – 10 youths with a maximum of 150 youth per session. Also, he is concerned about the possibility of a year round children's home. He does not feel secure having these at-risk youth residing in close proximity of his home.

Mr. Carter thanked Mr. Haught and stated that the petition requesting this re-zoning would be heard during the public hearing at 7:00 p.m.

Ms. Harriett Robinson – Ms. Robinson stated that when the by-pass was first proposed and public hearings held, all the proposal maps showed access roads from the shopping center connecting to Route 26. Her question is "What happened to that road?" She is also concerned about the speed limit and why there are no signs indicating there is a shopping center ahead. She also wanted to know why we were the only county in Central Virginia, barring none, that have blue road signs. Every other county has green signs, other than State Park signs, which are brown. "We must be different, mustn't we."

Mr. Carter remarked that the color blue was what was selected by the group that was in charge of the E911 system. Also, VDOT would have to answer her questions concerning the speed limit and signs.

Mr. Kevin O'Brien, Route 24, Vera - Mr. O'Brien stated that in the last six months since the putting up of the E911 signs, he has noticed some deterioration of these signs, some have fallen down, others have been knocked down or stolen. He also stated that the quality of the signs was not the best. The sample signs that the committee

originally looked at had two (2) bolts, and stronger posts than the ones that were finally installed. The present signs have only one bolt. He is extremely upset of the number of these signs that are missing. He feels that the County should publish in the newspaper the cost to anyone who steals or otherwise damages these signs. The County is going to be paying for the replacement of these signs.

Mr. Carter thanked Mr. O'Brien for his comments. The Board is aware of this problem and they have been looking into ways of salvaging these signs and what can be done to prevent future destruction.

Mr. Carter asked if anyone else wished to address the Board.

Hearing none, Mr. Carter moved to the **ADMINISTRATIVE ITEMS:** (Items 1-4)

1. **Architectural Services of Animal Pound:** We have received two (2) proposals for architectural services for the animal pound. Both firms were interviewed and we feel that Dominion Seven, Blair Smith, was by far the more suited to design the Appomattox facility. Mr. Smith has an excellent knowledge of our present facility and a good understanding of what we want in a new facility.

Mrs. Ferguson informed the Board that she had today received a letter from the State asking for a time line on this facility so they can follow the progress.

Mr. Conrad has talked with Mr. Smith and he feels that Dominion Seven can provide us with the best possible facility for the best price.

Mr. Craft stated this is something we have to do and we should move on it tonight.

Mr. Conrad made a motion, seconded by Mr. Moore, to enter into a contract with Dominion Seven to provide design services for the new animal shelter. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Halloween Trick or Treating:** At the last meeting there was some discussion as to whether or not to move the trick or treating for Halloween from Sunday night to Saturday night. Most of the surrounding localities are not going to move the trick or treating for kids. Their Boards and Councils feel this is too confusing for everyone and only causes kids to be out both nights. Appomattox Town Council will follow the Board of Supervisors lead in this matter.

The Board by consensus, decided to leave the celebration of Halloween as it is according to the calendar.

3. **Building Permit Fees for Sheriff's Department:** The Sheriff is requesting that the building permit fees be waived for an air conditioning unit that is being installed in the jail kitchen.

Mr. Moore made a motion, seconded by Mr. Conrad, to waive the building permit fee for the air conditioning unit being installed at the jail kitchen. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

4A. Pamplin Volunteer Fire Department: The Pamplin Volunteer Fire Department is in the process of obtaining bids to demolish an old building located on the Fire Department property. A significant cost associated with this demolition will be the fees associated with dumping the debris in the landfill. The Fire Department is requesting that the fees for dumping this debris be waived in order to lower the overall cost of this demolition.

Mr. Carter stated the Board needed to consider if there was asbestos involved. If the Board agrees to waive these fees and asbestos is found to be present, this has to be separated.

Ms. Ferguson remarked that this is an organization that the Board supports with donations and you would want to do everything you can to help them out. However, operation wise, we need to make sure certain things are done properly to that the landfill does not get in trouble with what is brought in. The only way to do this is that someone from Central Virginia Labs would need to visit the site and take samples and if asbestos is present, issue a report that this is non-friable asbestos as this is the only type we can take at the landfill. If the Board wishes to make a motion to waive the fees, it should be contingent upon items being separated. The landfill space is limited at the present time and anything we could use elsewhere, like cinderblocks, bricks, etc. should be put in another area in order that it not take up valuable space.

It was the consensus of the Board that Mrs. Ferguson talk with the Fire Department and obtain the necessary asbestos reports before any action takes place and the waiving of any fees would be based upon these reports.

Mr. Carter called for a short recess.

At 7:55 p.m. Mr. Carter reconvened the Board Meeting and called for the next items on the Agenda.

APPEARANCES:

Mr. Fred Kruschwitz, Anne Dixon, Ray Perkins and Gary Gilliam: Mr. Kruschwitz has asked to meet with the Board to discuss the financial time limits for the Appomattox County Park.

Mr. Kruschwitz informed the Board that VDOT has put in the road and Pearson Construction Company is grading the ball fields. They have two (2) bids left – one for the t-ball fields and the parking lots. The soccer fields are being built now. They are asking for permission to put these fields out on bids. Hopefully by this time next year they will be done. In the Spring, they would like to get the contracts done for the fencing of the ball fields. Tonight they are asking for permission to put out the bids on two (2) t-ball fields and three (3) parking lots.

Mr. Conrad made a motion, seconded by Mr. Moore, to give the Community Park Committee permission to seek bids on two (2) t-ball fields and three (3) parking lots. Roll Call Vote: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter then called for action on the next issue

- 4. Tax Exemption for Special Groups:** We have received a request from the Institute of Theonomic Reformation, Rev. Paul Michael Raymond, for exemption of real estate taxes. Mr. Overstreet will once again explain your options for addressing this issue. If the Board is not comfortable acting on this matter at tonight's meeting you may table it until the next meeting.

Rev. Raymond stated that the Institute of Theonomic Reformation is a religious theological non-profit Virginia corporation. It is recognized by the Federal Government, the State of Virginia and by the IRS as a non-taxable entity under religious exemption articles of the 501 (c) 3 IRS code. As of February 26, 2004 the ITR purchased a small building on Harrell Street, which was owned by Malkiewicz Holding Company LLC. This building also houses the Reformed Bible Church of Central Virginia and Appomattox. They are not affiliated with the Institute, they just allow them use of the building. In July of this year, they requested an exemption from Real Estate Taxes from the Town of Appomattox and since all State and Federal requirements had been met, the Tax Exempt Status was approved.

The taxes on this property is approximately \$112.00 per year. The only activities that take place at the Institute are internet activities, and they take place only on Sunday. They are building a library to open possibly two days a week. They are seeking this tax exemption as a matter of principle. Their mission is to train, equip and empower pastors, teachers and lay people.

Mr. Overstreet stated that this exemption was previously decided by the General Assembly but recently turned this process over to the locality. You do not have to exempt organizations that can answer the questions involved, statutes say you may do so by designation but it is not mandatory. The Board needs to make a decision as to whether you want to exempt these type of organizations. If this is your decision, you may wish to adopt a policy. You can take them on a case by case basis, but you may violate equal protection by not treating like situations in the same manner.

Mr. Overstreet further stated he understood that VACo was developing a policy regarding this type of request.

The Board by consensus, decided to check with VACo on development of a policy, and placed this matter on the Agenda for the November 1st meeting.

Mr. Carter next called for action of the **CONSENT AGENDA:** (Items 5-14)

- 5. Approval of Minutes:** Please approve the minutes of regular meeting on 10-4-2004.
- 6. Approval of Bills:** Please approve bills for payment as presented.

SUPPLEMENTAL APPROPRIATIONS:

7. **Sheriff's Office:** Please appropriate by consent a supplemental appropriation in the amount of \$174.75 for mileage reimbursement.
8. **Sheriff's Office:** Please appropriate by consent a supplemental appropriation in the amount of \$9,688.00 for housing prisoners at Blue Ridge Regional Jail.
9. **Asset Forfeiture Account:** Please appropriate by consent \$18,651.00 from the asset forfeiture account to cover cost of vehicle.

FUND TRANSFERS:

10. **Revenue Maximization Fund:** Please transfer by consent and make supplemental appropriation to the revenue maximization line item in the amount of \$4,780.50 to Alliance for Families & Children's Services.
11. **Special Community Park Account:** Please transfer by consent and make supplemental appropriation in the amount of \$40,270.00 to Pearson Construction for work on the five Soccer and Football fields.
12. **Wireless Grant:** Please transfer by consent \$812.44 from the Wireless Grant Fund for two (2) 911 cell phones lines for the Sheriff's Office.

LINE ITEM TRANSFERS:

13. **County Administrator's Office:**
 - a) Please transfer by consent \$370.50 from 1101-5804 Operating Reserve to 1204-3002 Professional Services for courthouse litigation.
 - b) Please transfer by consent \$1,000.00 from 1101-5804 Operating Reserve to 1201-5204 Telephone Services for cell phones for the County Administrator and Assistant County Administrator.
 - c) Please transfer by consent \$2,311.90 from 1101-5804 Operating Reserve to 1201-7001 Equipment to pay for computers for payroll clerk and courthouse phone system.
14. **E-911 Coordinator:** Please transfer by consent \$2,078.75 from 1101-5804 Operating Reserve to 3606-7005 Motor Vehicle to pay for vehicle for Emergency Coordinator.

Mr. Moore made a motion, seconded by Mr. Craft to approve the Consent Agenda as presented. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 15-18)

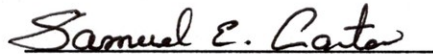
15. **Request for Proposals for Renovation to PSAP:** Request for proposal for the renovations to the Public Safety Answering Point provided for your information.
16. **Town of Pamplin:** New appointees from the Pamplin Town Council for the Planning Commission and the Board of Zoning Appeals.

17. **DEQ Open House:** DEQ has invited the Board to a open house being held at CVCC on October 20, 2004 beginning at 6:30 p.m. to give you the opportunity to discuss environmental issues with them
18. **Appomattox Town Council:** Agenda for Town Council meeting held on October 12, 2004.
19. Mr. Carter next called for **SUPERVISOR CONCERNS:**
Mr. Carter expressed the Board's appreciation to Mrs. Ferguson and her staff for everything that was done for the Open House for the new Courthouse, which he felt was a great success.

Mr. Carter also passed around a plaque presented to Appomattox County for their participation in the work force building at CVCC that will enhance the Work Force of Region 2000.

Mrs. Ferguson stated the Board needs to write a letter thanking the Railroad Festival Committee and the Town of Appomattox for making the Railroad Festival such a huge success.

At 8:24 p.m. Mr. Conrad made a motion, seconded by Mr. Armbrust, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

At 7:00 p.m. on Monday, October 18, 2004 the Appomattox County Board of Supervisors and the Appomattox County Planning Commission held a joint public hearing in the Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: (Board of Supervisors)

Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Planning Commission)

Kevin O'Brien
Steve Conner
Al Sears
Calvin Tanner

Jerry Hughes
 Marvin Mitchell
 Robert Johnson
 Barry Morris
 Shannon Dews

ABSENT: (Planning Commission)
 Jim Sefter

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
 J. Overstreet – County Attorney
 John K. Spencer – Assistant County Administrator

At 7:00 p.m. Mr. Carter opened the Public Hearing and read the following statement:
 This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then asked Mr. Spencer to read the first petition:

#04-537 - Deryle S. Cooper: The applicant is requesting a Conditional Use Permit to operate a firearms transfer business, with no inventory, on Route 613 between Route 460 and Route 659. The subject property, tax map #63(A)8, is 1.91 acres and is zoned R-1 Residential.

Mr. Spencer called for comments in favor of this petition.

Mr. Deryle S. Cooper came forward and stated he was the owner of the business and about one and a half months ago he purchased a home in Appomattox County. While he lived in Campbell County he operated the same business. In the last three (3) years he had about eighty (80) transfers. These have all been one on one transactions. He has ample drive way and parking space and will work directly out of his home. He will have to re-apply for his Firearms License as his has expired. This process will take approximately 2 months.

Mr. Spencer asked if any wished to speak against the petition.

Mr. "Bo" House, Route 4, Box 145, Appomattox, VA. Mr. House stated he is the owner of the adjacent property. He does not know whether to speak for or against this petition because he does not know anything about it. He is concerned about who regulates this type of business, is it controlled by the ATF and who does the background check on proposed buyers.

Mr. Spencer asked if there were any further comments. Hearing none, he read the next petition.

#04-538 – G. H. Jamerson, Dennis B. Jamerson, Janice J. McCormick and Patricia J. Moore. The applicants are requesting to rezone 3.54 acres located on Route 460 between Route 1045 and Route 613 from R-1 Residential to B-1 Commercial in order to market the property for commercial use. The subject property is Tax Map #63(A)67.

Mr. Spencer asked for comments for or against this petition.

Hearing none, Mr. Spencer read the next petition.

#04-539 – Sidney A. Thomas. The applicant is requesting a Conditional Use Permit to allow the operation of a ranch for at-risk youths on Route 615 between Route 686 and Route 616. The subject property, Tax Map #19(A)47 and 19(A)49, total 145 acres and is zoned A-1 Agricultural.

Mr. Spencer asked if there was anyone to speak in favor of this petition.

Mr. Sidney A. Thomas, of 8297 Oxford Way, Warrenton, VA. Mr. Thomas stated he owns two pieces of property in Appomattox County. His son presently lives on the parcel involved in this petition. His son will be the Director of this venture. He also owns a parcel across the road, which he will be moving to in a couple of weeks. They plan to open this at-risk ranch which will be a non-profit organization. All the buildings will be obscured from all surrounding properties and from State Route 615. They plan to have one (1) trained staff person for every 8 to 10 campers with a maximum potential for each session of campers to be 150 youths. All campers will be supervised at all times, on our grounds, or any other activity that we would take them too. We would have additional security provided by our grounds and maintenance staff members.

Mr. Armbrust asked about the number of staff (1 for each 8 -10 youth). In regular program for special education classes, etc., the rate is 1 for each 5 children. Also, will these children live here?

Mr. Thomas stated that the one staff member for 8 – 10 youths does not include the children with special needs. That would be different, they would meet the necessary requirements. Our plans are presently for three four (4) week sessions each summer. Down the road in the future, we are looking at having a full time youth home, but this would not be for at-risk children. These children will be referred by court services, churches, schools, inter-cities. The main idea is to get the inter-city children away from the environments they are in and have them on a one to one mentoring relationship, thereby giving them skills they can use to break the cycle of their home environment.

Mr. Conrad asked if any of these children could have been involved in criminal activities or the use of drugs?

Mr. Thomas stated children with these problems could be referred by the court system, but they would not be placed in this program in lieu of serving jail time. They are thinking in terms of children that are lacking opportunities, that are neglected, and whose parents do not have the time or resources to devote to them. Hopefully, the time spent here will change their outlook on how to live their lives. Most of these referrals would be on an individual basis.

Mr. Spencer asked if anyone else wished to speak in favor of this petition.

Mr. Spencer then asked if anyone wished to speak against this petition.

Mr. John Carter, Route 3, Box 248B, Appomattox, Va. Mr. Carter stated that as the petition is written, it is very vague and not very specific. He would like to see the proper issues addressed and cleared up before this petition is approved.

Hazel Lee & Otha W. Martin, Jr., Route 4, Appomattox, VA. Mr. Martin began by stating he did not feel like we needed any more at-risk youth in the County. According to what he hears through the schools, the local newspaper, we have enough youth in the County who are law-breakers, etc. He believes that a business of this type should be controlled one on one, because youth at-risk have a mind of their own. He does not feel one person can look after five (5) different youth, regardless. Also, he owns property joining this property and has quite a few cattle and in bad weather fences are downed by falling trees and limbs. He would not want his cattle getting out and possibly injuring one of these kids. On the other hand, the children could get on his property and get injured and he would end up with a law suit.

Mr. Martin continued by saying that he has a home on his property that could be rented out and with this type of business located beside it, there would be little chance of getting anyone to rent it. This is a community of local people, probably 25 to 30 homes. He feels that a youth home would lower property values. He is asking that this petition be denied.

Mrs. Martin commented that they also have pond on their property and do not want any kids over there on the pond. This would also be an expense on our school system. The county does not need any more non-tax paying people in the county. She is very much opposed to this type of business.

Ms. Shelor Smith, Route 3, Box 250, Appomattox, Va. Ms. Smith stated she lives across the road from the subject property and she is very much opposed to this request. She has cattle, horses and dogs and she does not want to be responsible for any unruly child or youth coming on her property and getting hurt and then getting sued. I don't want my animals getting loose and hurting one of these children. Horses are a great temptation to kids, especially if they are not used to seeing them. She has a stallion that is not very good with children. This ranch would also decrease the value of her property. She would also have to be locking her doors and gates all the time. She moved to her present location because she liked the seclusion. She likes the community, the people, and she does not have to worry about her neighbors. She has a niece that was sent to one of these facilities located in Dillwyn for 18 months. It was

an absolute waste, she was kicked out of the camp and she is of no decent service to the community at this time. The courts have done nothing with her. These facilities do not work as well as they would have you believe. Mr. Thomas cannot determine what type of kids he will be receiving, and she just does not want to live across the road from this type of environment. She would hope that the Board would respect what she would like to have in her community.

Ms. Sharon Smith, Route 3, Box 257, Appomattox, Va. Ms. Smith stated she lives approximately one half mile from the property in question. She is concerned about the traffic on this road. This road is narrow and curvy and at the present time, carries more traffic than it should. She also has concerns about Bent Creek. With dwellings, wells, and septic systems being put in, what effect will this have on the creek. Her concerns are pretty much the same as those that have been expressed tonight. She is very much opposed to this request.

Mr. Brian Smith, Route 3, Appomattox, Va. He is very much opposed to this request.

Mr. Richard Haught, Route 3, Box 256A, Appomattox, Va. Mr. Haught said he has expressed his comments regarding this petition during the Citizen Comments period of the Board of Supervisors meeting. He had slightly put the cart before the horse, so to speak. He lives about two miles from the proposed location of this at-risk facility. He would like to voice his opposition to this request. He has three children and he does not feel that 10 to 15 counselors can properly supervise 100 to 150 youths. He is opposed to this request.

Mr. Scott Smith, Route 3, Box 250, Appomattox, Va. Mr. Smith stated he lives across the road from the proposed ranch for at-risk youngsters. He urges the Board not to approve this zoning request. There is a similar facility in Buckingham County and he knows of multiple problems associated with the facility, ranging from vandalism to break-ins. This facility will most likely be no different and he feels like the surrounding neighbors will have to deal with similar problems.

Ms. Jane Luongo, Route 2, Box 187, Gladstone, Va. Her main concern regarding this is the vagueness of the petition. It does not go into detail, does not list the qualifications of those who will be running the facility or the ramifications it could have on the county and the citizens of the community. She is, therefore, opposed to the granting of this request.

Mr. Mark McPherson, Route 3, Box 250, Appomattox, Va. Mr. McPherson stated he lives across from the property in question. They maintain their property for their cattle and the rest of their animals. They do not maintain this property to keep out teenage kids. Not only that, adjacent to this property is a hunting preserve. We keep talking about kids who might get out in the woods, the hunters may not be aware of this fact, and someone has to deal with that. If you start having insurance claims, your liability insurance rate will go out the roof, your property values will drop. He is starting a contracting business and will have tools, etc. Right now he does not have to lock his vehicles, his doors, etc. If this facility is allowed, he will have to keep

everything locked, including gates, which he will have unlock and lock every time he goes in or out. This is not a very good situation. If the parents cannot control these kids, how do you think 10 to 15 counselors can control 100 to 150 kids. He is opposed to this request.

Mr. Spencer called for further comments. Hearing none, he read the next petition.

#04-540 - Ray T. Goodman, Jr. The applicant is requesting a Conditional Use Permit to allow the continued existence and operation of a sixty (60) foot CB radio communications tower on Route 609 between Route 608 and Route 460. The subject property, Tax Map #60(13)8, is 1.83 acres and is zoned A-1 Agricultural.

Mr. Spencer asked if anyone wished to speak in favor of this petition.

Mr. Ray Goodman, 6911 Stage Road, Appomattox, Va. Mr. Goodman stated he recently put up a tower according to FCC regulations and I have a couple of neighbors who say it has caused interference with their telephone lines. Mr. Goodman read a letter from the FCC stating "interference has long been a bone of contention between a hobby radio community and the neighbors who must sometimes put up with interference, to their telephones, radios, and televisions, etc.". He has also received a letter from the County regarding keeping the rural aspect and historical nature of the area. He stated he has a dump going in his back yard, and would like to know how his radio tower interferes with the historical significance of the County and the dump does not.

Mr. Gene Woody, Route 2, Box 321, Spout Spring, Va. - Mr. Woody stated he also has a CB tower and his son is a ham radio operator. In cases of emergencies, these are good things to have. Everyone who has a TV antenna, or direct TV dish, in essence has a tower on their property. He is in favor of granting Mr. Goodman's petition.

Mr. Wayne Mayberry, Route 1, Box 2421, Spout Spring, Va. - Mr. Mayberry stated he has a CB radio and antenna and has had it for several years. His neighbor lives about 50 yards from him and he has yet to have a complaint. He feels the biggest problem here is, the neighbors just do not want Mr. Goodman to have this tower in the neighborhood. He feels Mr. Goodman has as much right to talk on his CB radio as anyone else has to talk on their telephones.

Ms. Carolyn Mayberry, Route 1, Box 2421, Spout Spring, Va. - Ms. Mayberry stated she is a diehard red-neck. A CB is a poor man's cell phone. She does not think there is any harm in anyone having one. The towers are on private property and no one owns the air waves.

Mr. John Goin, Route 1, Box 248A, Appomattox, Va. - He feels Mr. Goodman has put his tower up according to FCC regulations. He has a tower at his home and he has never had any complaints of interference with his neighbors.

Ms. Pamela Goodman, Stage Road, Spout Spring, Va. - Ms. Goodman stated that they pay their taxes and feel this tower is not bothering anyone and they should be allowed to have it on their property.

Mr. Spencer called for additional comments in favor of this petition.

Mr. Spencer asked if anyone wished to speak in opposition to this petition.

Mr. Shawn Armburst read into the record the following letters:

October 5, 2004

TO WHOM IT MAY CONCERN:

Enclosed you will find a copy of letter that was sent to FCC on September 30, 2004.

The letter will explain my problems that I am having with the flickers and dim downs, from 9-4-04 to 9-28-04. As of 10-04-04, we are still having problems.

Mr. Goodman told me what the height of tower and antenna was, now I understand he told John Spencer something different. The tower and antenna is shrinking day by day. The dimension now is 52' on tower, 8' on antenna per John Spencer on 10-5-04.

Also, I would like for you to ask Mr. Goodman this. If his ELDERLY (old people he calls us) parents or grandparents were living beside him, would he SABOTAGE their TV, like he is doing ours.

Thank you

*Jerry R Harvey, Sr.
Virginia C. Harvey*

Also:

October 18, 2004

TO WHOM IT MAY CONCERN:

In addition to the letter submitted to the Board of Supervisors about out TV interference, this TOWER and ANTENNA is a BLIGHT to our subdivision. We would like to see the TOWER and ANTENNA be ELIMINATED.

This TV interference constitutes an absolute INFRIGEMENT upon our CIVIL rights. My wife and I have a right to watch our TV without CB interference. Under Amendment 1 of the United States Constitution, we have a right to exercise our freedom of speech and oppose anyone who uses a base unit in their home or CB radio on a vehicle that is using so much POWER that it bleeds in to a neighbor's TV.

There are too many Conditional Use Permits being issued in Appomattox County. Some of these permits need to be tested by the courts for accountability. Some permits are justifiable.

It is my wish that, this permit be denied.

*Jerry R. Harvey, Sr.
Virginia C. Harvey*

Mr. Armburst also read another letter into the record:

October 11, 2004

Dear Armbrust:

My husband and I bought a house in Twin Pines Subdivision almost three years ago. We work very hard to keep up our property. In Sept. 2004, one our neighbors, Ray Goodman installed a 60 ft. tower plus a 12 ft. antenna and rotor near his deck on 1.83 acres of land. We soon had interference on our TV and telephone. This only occurred when Mr. Goodman was home. Listed below are times and dates this happened.

<i>Sept. 21, 2004</i>	<i>7:55 p.m.</i>	<i>Interference with TV</i>
<i>Sept. 22, 2004</i>	<i>7:55 p.m.</i>	<i>Was talking on the phone when voices came in on my telephone conversation. My husband was watching TV at the same time and had interference with the picture fading and lines.</i>
<i>Sept. 23, 2004</i>		<i>Picture blinking</i>
<i>Sept. 25, 2004</i>		<i>Interference with phone. Sounded like wires frying.</i>
<i>Sept. 26, 2004</i>		<i>Telephone interference – frying sound</i>
<i>Sept. 28, 2004</i>		<i>Telephone interference – frying sound</i>

Mr. Goodman seems to have no concern for his neighbors. We can't go about our daily lives without someone infringing on our rights to watch television and use our phones in private. This tower also makes every ones property decrease in value. When we moved in the subdivision we had no idea we would have such a eye sore and problems without TV and telephone. We ask you to deny Mr. Goodman this permit for the tower. We hope the county will consider the concerns of other people in Twin Pines Subdivision. This property is located on 609 between 608 and 460.

*Sincerely,
Inez Jennings
Route 2, Box 8TP10
Concord, VA 24538*

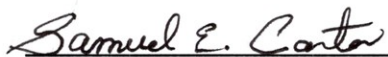
Cc: All Board of Supervisors

Mr. Spencer called for further comments in opposition to this petition.

Hearing none, he returned the meeting to Mr. Carter.

Mr. Carter stated that immediately following this hearing, the Planning Commission would be meeting at the Appomattox Community Center.

At 7:50 p.m. Mr. Carter closed the public hearing.


Samuel E. Carter, Chairman

On Monday, November 1, 2004 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

There were two (2) items to be added:

- 5A. Security for the Commonwealth Attorney's Office.
- 5B. Appointment to the Central Virginia Area Agency on Aging Board.

Mr. Carter next called for **Citizen Public Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to citizens.

No one had anything to discuss at this time.

Blair Smith and Linda Jones, Dominion Seven Architects have requested time to talk with the Board about the animal pound.

Mr. Smith began by distributing a handout on the existing animal pound and some ideas of a replacement pound, in addition to what was included in the Board Book. Also included is a space program showing what we need in the new facility and what we have at the present time. The new facility will have an area for euthanasia which we presently do not have.

At the present time, there is no mechanical means of air handling, removing the stale air and bringing in fresh air and this is a critical point in the new facility.

Under the State guidelines, you must separate the dogs from the cats. You must then separate them by sex, age, temperament and also if a mother has pups that are nursing. Based on these projections we need approximately 20 runs for dogs and 9 cages for cats and another 2 cages for cat isolation. The dog runs can all be placed inside the building or we can have the kennel area inside and the run can be a covered area outside. If you have the runs totally enclosed you will have to provide heating and cooling, but by having the kennel area inside and the runs outside, you can off-set some of this expense. Mr. Smith suggested that the County go this way. Mr. Smith

On Monday, November 1, 2004 at 6:30 p.m. the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
Willie H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
Johnny Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and gave the invocation.

Mr. Carter next called for the **Setting of the Agenda:**

There were two (2) items to be added:

- 5A. Security for the Commonwealth Attorney's Office.
- 5B. Appointment to the Central Virginia Area Agency on Aging Board.

Mr. Carter next called for **Citizen Public Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to citizens.

No one had anything to discuss at this time.

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suggested that in order to keep costs as low as possible that we use a vinyl siding type exterior as the inside equipment costs will be the greater expense.

Mr. Smith also presented a time schedule for the proposed project starting with the pre-design services to the time of occupancy.

Ms. Ferguson stated that we recently had a state inspection and three (3) items came out of this inspection. Today she addressed these items back to the State: 1) The plans proposed by Mr. Smith and hopefully the State will accept this proposed time schedule; 2) Since there was no isolation area for cats, effective immediately, with the exception of cat bites, the pound will not accept any more cats. We will run an article in the newspaper to that effect. 3) Each cage is supposed to have a clip board containing information as to the date the animal was picked up, where it came from and other information. We will have to purchase clipboards for this purpose.

Mr. Carter asked if the State would be willing to accept this time schedule.

Ms. Ferguson stated she felt surely they would be well pleased as this is progressing rapidly. She does not foresee any problems in this regard.

Mr. Carter thanked Mr. Smith and Ms. Jones for the excellent presentation.

Carver Price Alumni Association – Ms. Rowena Robinson: Mrs. Robinson has asked to address the Board concerning the proposed lease of museum space at the Carver Price Educational Center. Mr. Overstreet has provided a lease for your review, and with your permission I will publish the public hearing on this for November 15, 2004.

Mrs. Robinson stated she was here to give a preview of what they plan to do at the Carver-Price Legacy Museum. They wish to thank the Board for looking at a lease for the first four (4) rooms. Further, they would like to show you why they asked for the front wing to give you a better understanding of what they are trying to do. They would like to set up Mrs. Mozella Price's office. Next to this would be the athletic display room for displaying trophies, jerseys, etc. There would also be a display for academic achievements, such as: old report cards, teacher's registers, old text books, etc. There would also be a multi-purpose room which would be set aside for meetings with people and give them a little history of Appomattox County and the Carver-Price Museum. There would also be a community church and display room. The reason for the church part is because education for the African-American began in the church. In fact, the first classes for the Carver Price School were held at the First Baptist Church on Court Street. They will also have a display connecting the Native American Indian to the Black Community, along with some of the farming implements used years ago.

Mrs. Robinson is requesting that the Board lease them the whole front wing of the old Appomattox Elementary School (Carver-Price School).

Mr. Armbrust made a motion, seconded by Mr. Moore, to hold a Public Hearing regarding this lease agreement on November 15, 2004 at 6:15 p.m. VOTE: Mr.

between Route 460 and Route 659. The subject property, tax map #63(A)8, is 1.91 acres and is zoned R-1 Residential.

The Planning Commission recommended denial of this petition.

After some discussion, the Board by consensus tabled **Petition #04-537 of Deryle S. Cooper** for a Conditional Use Permit to conduct firearms transfer business from his residence until the December 20, 2004 meeting.

#04-538 – G. H. Jamerson, Dennis B. Jamerson, Janice J. McCormick and Patricia J. Moore. The applicants are requesting to rezone 3.54 acres located on Route 460 between Route 1045 and Route 613 from R-1 Residential to B-1 Commercial in order to market the property for commercial use. The subject property is Tax Map #63(A) 67.

The Planning Commission recommended approval of this petition.

Mr. Conrad made a motion, seconded by Mr. Armbrust, that for reasons of public necessity, convenience, general welfare and good zoning practice to approve the petition **#04-538 of G. H. Jamerson, Dennis B. Jamerson, Janice J. McCormick and Patricia J. Moore** to rezone parcel number 63(A)67, located on Route 460 between Route 1045 and Route 613 from R-1 Residential to B-1 Commercial. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

#04-539 – Sidney A. Thomas. The applicant is requesting a Conditional Use Permit to allow the operation of a ranch for at-risk youths on Route 615 between Route 686 and Route 616. The subject property, Tax Map #19(A)47 and 19(A)49, total 145 acres and is zoned A-1 Agricultural.

The Planning Commission recommended this request be tabled until further information could be provided by the applicant. **THE APPLICANT HAS SINCE WITHDRAWN THIS REQUEST.**

#04-540 - Ray T. Goodman, Jr. The applicant is requesting a Conditional Use Permit to allow the continued existence and operation of a sixty (60) foot CB radio communications tower on Route 609 between Route 608 and Route 460. The subject property, Tax Map #60(13)8, is 1.83 acres and is zoned A-1 Agricultural.

The Planning Commission recommended approval of this Conditional Use permit.

Mr. Conrad made a motion, seconded by Mr. Carter, to approve **Petition #04-540 – Ray T. Goodman, Jr.** for a Conditional Use Permit to allow the continued existence and operation of a sixty (60) foot CB radio communications tower on Route 609 between Route 608 and Route 460. Tax Map #60-(13)-8 and is zoned A-1 Agricultural. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, nay; Mr. Moore, aye; and Mr. Carter, aye. (4 aye votes – 1 nay)

4. **Naming of Community Park Road:** At a previous meeting Ms. Dixon requested that the entrance road to the new community park be named "Kruschwitz Drive" in honor of Fred Kruschwitz for the work he has put into the park design at no cost to the County. Since that time, Mr. Kruschwitz has strongly opposed this action. Ms. Dixon is now requesting that the road be named "Elk Creek Road".

After some discussion, Mr. Craft made a motion, seconded by Mr. Moore to name the entrance road to the community park "Elk Creek Road" as suggested by Ms. Dixon. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

5. **Veterans Day Ceremony:** American Legion Post 104 is requesting the use of Courthouse Square to hold their annual Veteran's Day ceremony on Thursday, November 11, 2004 from 11:00 a.m. to 1:00 p.m.

Mr. Conrad made a motion, seconded by Mr. Craft, to approve the request from American Legion Post 104 use of the Courthouse Square for their Veteran's Day Ceremony on Thursday, November 11, 2004 from 11:00 a.m. to 1:00 p.m. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 5A. **Security for the Commonwealth's Attorney Office:** Sometime ago the Board approved a partition be placed in the Commonwealth's Attorney Office as a protection for the VCIN equipment. As time has passed, we have really looked at this and determined that this is really not practical. We have received an estimate for securing this area at a cost of \$4,686.00. Mr. Puckett has funds to cover approximately one-half of this cost, if the Board would approve funding the remainder from the Courthouse Bond.

After some discussion, Mr. Armbrust made a motion, seconded by Mr. Craft, to approve the request from Mr. Puckett to have security features placed in the Office of the Commonwealth's Attorney in the new courthouse with Mr. Puckett paying 1/2 of the costs from Asset Forfeiture Funds. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 5B. **Appointment to the Central Virginia Area Agency on Aging Board of Directors:** Mr. Lynn Doss's term expires on November 30th, of this year. This is an agency which the Board funds each year and they provide a service to the community. Ms. Ferguson suggested that we could possibly run an article in the newspaper for volunteers who would like to serve on this Board. They meet approximately 4 or 5 times a year around 1:00 p.m.

The Board, by consensus, decided to run an article in the local newspaper to see if anyone is interested in serving in this capacity.

Mr. Carter next called for action on the **Consent Agenda:** (Items 6 – 12)

Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye: and Mr. Carter, aye. (5 aye votes).

Mr. Carter next presented the **ADMINISTRATIVE ITEMS:** (Items 1 – 5)

1. **Tax Exemption for Non Profit Organizations:** At the last meeting you tabled this matter to give you some time to consider the avenue that you wished to take. Information has been received from Albemarle County that may help in your decision. If you wish to consider tax exemptions other than those set out by the Code of Virginia you will need to adopt an ordinance and schedule a public hearing.

Mr. Overstreet had Ms. Ferguson provide each member of the Board with a brief explanation of the status of the law in Virginia today as to Tax Exemptions.

I. **CONSTITUTIONAL CLASSIFICATIONS:** (These are still in effect today)

1. Government owned
2. Owned and exclusively occupied by churches/religious bodies
3. Cemeteries (non-profit)
4. Public Libraries – non profit schools

II. **DESIGNATION BY GENERAL ASSEMBLY PRIOR TO 2003:**

Historical Society, Sheltered Workshop, etc.

Before 2003 those seeking tax exempt status would come before the Board;

If you agreed, you would adopt a resolution asking the General Assembly to find that organization tax exempt by designation.

III. **CODE OF VIRGINIA (PRE 1971):**

5. Same 4 constitutional exemptions
6. YMCA
7. Parks
8. Benevolent or charitable used for lodge
9. Non-profit museum

IV. **CODE OF VIRGINIA (POST 1971):** Used for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground.

1. Fire and rescue
2. Boys and Girls clubs
3. VWI Veterans Auxiliary
4. SPCA
5. Boy/Girl Scouts
6. 4-H; FFA, Inc.
7. Red Cross
8. Churches, religious associations or denomination
9. Alumni associations
10. State FFA, FHA, FBL
11. Underwater
12. Farm Clubs
13. Habitat for humanities

The above are those exemptions prior to the year 2003.

In 2003 the General Assembly decided to allow the localities to decide the classifications as well as designations.

V. SECTION 58.1-3651 CODE OF VIRGINIA:

- A. After 1-1-03 Exemptions from Local Government
- B. "Nothing in this section or any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to 1-1-03".
- C. Before granting exemption by designation, public hearing after notice (including assessed value) then consider:
 - 1. Sec. 501 © IRC exemption
 - 2. Alcohol license
 - 3. Salaries reasonable
 - 4. Earning benefit individual
 - 5. Serve common good
 - 6. Propaganda
 - 7. Revenue impact on county
 - 8. Other pertinent factors

Section B has been interpreted differently by various Commissioners of Revenue and County Attorneys. It is Mr. Overstreet's interpretation that those prior exemptions still hold. He wonders if we have to do anything at all. It is his opinion that these exemptions, post 1971, and pre 1971 continue on today. If you want to keep those exemptions granted by the Constitution or General Assembly, then we do not need to do anything. If you wish to exempt by designation, they now come before you and you have a public hearing to determine if they are: 501 © IRC exemption, etc.

You may wish to adopt an ordinance similar to Albemarle County emphasizing what the Code of Virginia already has in place.

After a lengthy discussion, Mr. Conrad made a motion, seconded by Mr. Craft, to hold a Public Hearing on December 20, 2004 at 6:00 p.m. to adopt an ordinance regarding the Request for Tax Exemption Status for Non-Profit Organizations. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 2. **Speed Limit on 460 Bypass:** The Legislature has passed legislation raising the speed limit on the 460 Bypass to 65 miles per hour. Mayor Spiggle has inquired as to the opinion of the Board on this proposed change. If you oppose this change, he would like a letter supporting that position to present to VDOT.

The Board by consensus will write a letter of opposition to the raising of the speed limit on the Route 460 Bypass to 65 miles per hour.

- 3. **Planning Commission Recommendations:** The Planning Commission has made the following recommendations from the October 18, 2004 public hearing:
#04-537 - Deryle S. Cooper: The applicant is requesting a Conditional Use Permit to operate a firearms transfer business, with no inventory, on Route 613

6. **Approval of Bills:** Please approve bills for payment as presented.

FUND TRANSFERS:

7. **Asset Forfeiture Account:** Please appropriate by consent \$3,500.00 from the Asset Forfeiture Account to pay quarterly dues to the Central Virginia Drug Task Force.
8. **Special Community Park Account:** Please transfer and appropriate \$4,939.00 from the Community Park Account to pay for grading and seeding on the ball fields.
9. **Courthouse Bond Account:** Please appropriate by consent up to \$3,000.00 to purchase a County Seal and display for the wall in the foyer at the new courthouse.

Mr. Carter stated that this item would be held until more information was available.

SUPPLEMENTAL APPROPRIATIONS:

10. **Sheriff's Department:** Please appropriate by consent a supplemental appropriation to the Sheriff's Budget for grant funds received in the amount of \$996.03.
11. **Jail:** Please appropriate by consent \$300.00 to the jail account for food services from the jail petty cash fund.

LINE ITEM TRANSFERS:

12. **County Administrator:** Please transfer by consent from Operating Reserve to the County Administrator's budget \$3,281.60 to cover telephone costs for the complex.

Mr. Moore made a motion, seconded by Mr. Craft to approve the **Consent Agenda** as presented with the exception of Item 9 – Courthouse Bond Account – County Seal for display in the foyer of the new courthouse. This item will be the topic of discussion at a future meeting. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 13-17)

13. **2004 VCDBG Planning Grant:** Letter received from CDBG concerning the planning grant funding for the Carver Price Educational Center. The management team has a meeting scheduled for November 5, 2004 at 9:30 a.m. at the community center. You are invited to attend if you are interested.
14. **Information and Referral Center:** Quarterly report for the information and referral center.
15. **Town of Appomattox:** Agenda for Town's workshop held on October 26, 2004.

16. **E-911:** Schedule for the E911 project. This should provide information as to the status of the project.
17. **VDOT Six Year Plan:** After discussions with VDOT Ms. Ferguson has determined that it will not be necessary to have a workshop on the Six-Year Plan. The funding is minimal and, therefore, we cannot add any additional projects. A Public Hearing has been scheduled for December 20, 2004.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Craft stated he had received many comments regarding the open house on the Courthouse. He also complimented Ms. Ferguson and her staff on a job well done. He has also received some comments on what will be done with the "ugly old building" in front of the Courthouse. It should be repaired or torn down.

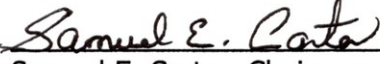
In regards to the old courthouse building, Ms. Ferguson stated there were certain steps that had to be taken care of before the Judge would release the County from the court order. These do not require a lot, but they will require closing off the door ways. The other part is the exposed wood on the eaves of the building. This will require some scaffolding. She will be working with the Building Inspector on what is mandatory. The buildings are so close together and there has to be a certain fire rating on the old building to meet the statewide building code. She has spoken with several contractors for estimates to make the back side of the old building more attractive. Not too many have been interested in talking to her about this job and those who have discussed it are only interested in a cost plus job. She will be working with the County Attorney as to what is the best way to proceed. She is sure everyone knows something needs to be done and you will be hearing from her shortly regarding this matter.

Mr. Moore stated the roof definitely needs to be repaired. He received some estimates some time ago. Ms. Ferguson stated this would have to be put out on bids. Mr. Moore will work with Ms. Ferguson on getting the necessary work done on the old courthouse building.

Mr. Carter reminded everyone of the next meeting:

**Regular Meeting
November 15, 2004
Town Office
6:30 P.M.**

At 8:10 p.m. Mr. Craft made a motion, seconded by Mr. Conrad, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)



Samuel E. Carter, Chairman

On Monday, November 15, 2004, at 6:00 p.m. the Appomattox County Board of Supervisors held a public hearing, on the Disposal of the old Oakville School Property, in Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson, County Administrator
J. Overstreet, County Attorney

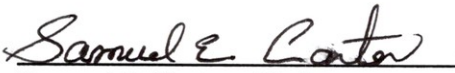
At 6:00 p.m. Mr. Carter opened the public hearing and read the following statement:
"This public hearing will be held in accordance with the Code of Virginia §15.2-1800 – Purchase, sale, etc. of real property.

- a. Appomattox County Board of Supervisors will be taking comments on disposing of Tax Map Parcel 27 (A) 83 which consists of 2.14 acres. The property is located at the intersection of State Routes 26 and 608.
- b. Also, demolition of existing structure located on parcel 27(A)83.

Mr. Carter asked if anyone had any comments on this issue:

Mr. Jimmy Burcher, Route 4, Box 504, Appomattox, Va. – He lives in the vicinity of the property in question. The Oakville School is very dear to him because he attended elementary school there and he has some very fond memories of the time spent there. Over the years the neglect of the building has caused much deterioration and he is favor of this property being sold and placed back on the tax books. With a little improvement, this property would be very suitable for business or maybe even residential property. Mr. Burcher stated he feels the county has enough property to suit its needs for the present future and it would be better to clear up the two wells, the underground fuel tank, the old septic system, and any other hazards that may exist on the property.

Mr. Carter called for further comments. Hearing none, Mr. Carter closed the public hearing at 6:07 p.m.


Samuel E. Carter, Chairman

On Monday, November 15, 2004 at 6:15 p.m. the Appomattox County Board of Supervisors held a public hearing to receive comments on the lease of the Old Appomattox Elementary School. This public hearing was held in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
William H. Craft- Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney

At 6:15 p.m Mr. Carter opened the public hearing and read the following statement:
"This Public Hearing will be held in accordance with §15.2-1813 and 15.2-1800 of the Code of Virginia, to consider leasing of real property.

Appomattox County is considering leasing a portion of the Carver Price Educational Center to the Carver Price Alumni Association for use as a museum."

Mr. Carter called for comments regarding this issue:

Mr. Mark Peak – Attorney with Caske & Frost. Mr. Peak is representing the Carver-Price Alumni Association. He is asking for clarifications on several portions of the lease. In particular, the grounds for the lease, what portions of the Carver Price Building will be included in the lease. An independent committee met and examined the lease and recommended the front wing of the Carver Price High School. This is imperative to the use and function that the CPAA wants to put the building to for the Carver Price Legacy Museum, they need the room that includes the entire front wing. He stated that in speaking with Mrs. Ferguson she indicated that some of the Board members would like the opportunity to view the building again. They would like to have the full Board see the building again, and see how the CPAA plans to set up the museum. There were concerns expressed regarding the entrance to the building and the rest of the building. They are fully aware of these concerns. They have spoken with the architect, Blair Smith to see if there are easy ways to work around these concerns. The plans of the CPAA would in no way inhibit the use of the rest of the school building. It is necessary that they have the entire front wing as opposed to the four (4) rooms that comprise the original school building. One reason for this is the Americans with Disabilities Act, as the original building is not adequately equipped with restrooms, accessible entrance or exits. The CPAA is very involved, motivated and enthusiastic about this project.

Prior to 1930, there was no high school in the County for Black folks, when Ms. Mozella Price and others built the current building which consisted of four (4) rooms; in 1950 another building was added on and again in 1970's another addition was added. This building has served as a cultural center, a spiritual center, as well as an education center for forty (40) years. They need the opportunity to show that they can make this project work. This project is to be funded through grants and other donations and will

not cost the County any money. The CPAA will help renovate the building, help preserve the building and the museum will fit in with the other historical aspects of the Civil War and the County.

Ray Servis: Mr. Servis began by stating that he was appearing as a private citizen. He appreciates all the hard work that has been done to improve our community, our county, as an attraction for tourism. He feels if we start out with a completely unemotional view of the request for the museum, we can see that it will be a great asset to the community. He is in favor of leasing this portion of the building to the CPAA.

Eulantha "Jimmy" Drinkard: Mr. Drinkard stated he seconds and supports everything that has been said. If it had not been for Mrs. Mozella Price, others like Mrs. Harry James and a lot of other fine citizens in Appomattox County, we would not have the fine school that was the Carver Price High School. He is fully in favor of leasing what they want and what they need to make this museum a facility that people will enjoy and look at. People came from Prince Edward County to attend this school.

Ms. Lilly M. Lewis Adams: Ms. Adams is an alumni of Carver Price High School and a present tax payer in Appomattox County. She spoke with great interest in what it meant to her growing up and graduating from the Carver Price High School. She shares the Alumni Associations enthusiasm in sharing the Legacy Museum with all people and will encourage everyone to visit and support this project. We truly want to be ONE NATION UNDER GOD.

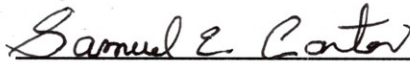
Milton Chambers- President of the Appomattox County Assembly, Inc. : Mr. Chambers is here to give his full support to the CPAA in leasing this facility to house the Legacy Museum. After everything that has been heard tonight, he asks the Board to consider the request of the CPAA and do what is best for the County.

Ms. Edith McCormick, Spout Spring: Ms. McCormick stated she did not know this was coming up tonight, she thought it was a closed deal. She knows and has worked with many of people who attended school at Carver Price and she loves everyone of them. She agrees with everything that has been said here tonight, that the County needs this museum.

Earl Pickett: Mr. Pickett stated he was on the original committee to build the new school and to rename this entire building the Carver Price Educational Center. This is just the first part and is not costing the County anything and he thinks the County should lease this portion of the building for as long as they need it. He has been in favor of this from the very beginning, when he was a member of the School Board.

Mr. Carter asked if anyone else wished to speak.

Having no one come forward, Mr. Carter closed the public hearing at 6:35 P.M.


 Samuel E. Carter, Chairman

At 6:30 p.m. on Monday, November 15, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:

Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney

At 6:30 p.m. Mr. Carter called the meeting to order and asked Mr. Craft to deliver the invocation.

Mr. Carter called for the first item of business - **Setting the Agenda:** One new item was added: **3A – Approval of Bills.**

Mr. Carter next called for the **Citizens Public Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizens.

Tommy Moore: Mr. Moore wished to discuss the proposed water line. He was under the impression that there would be a public hearing on this issue tonight. He spoke about storm water management. He urged the Town/County not to connect to the Lynchburg water system. We need to look at our water rights. He feels this could be a very costly mistake.

Ms. Edith McCormick, Spout Spring: Ms. McCormick, too thought there was to be a public hearing on this issue tonight. Ms. McCormick stated she did not see why we wanted someone outside of the county to be in charge of what is best for us. There are a lot of capable citizens who could do the things that have been sent out of town. For example, the "Welcoming Signs", everyone remembers the proposed new signs which were the most unwelcome signs she had ever seen. The people finally won out and the signs remained as they had always been. The citizens have spoken regarding this water line, they do not want it. She has her own water and does not want to pay for pipeline. She is a firm believer in "IF IT AIN'T BROKE, DON'T FIX IT".

Jesse M. Rosser, Appomattox, Va: Mr. Rosser stated he was 70 years old and he loves the Town of Appomattox. He recognizes that we are at a crossroads in our history – Water – what are we going to do. Are we going to build a water line from Lynchburg where we would have little or no control of the water; a pipeline from the James River to our town or build a reservoir? Everything he has read states a cost of 16 million dollars. The cost of which ever route we take will be upon the citizens of Appomattox County. He is in agreement with Mr. Wilson in the building of a reservoir, which would

be the best for Appomattox. If given a referendum, the citizens of Appomattox County would overwhelmingly vote for a reservoir. In all honesty, a issue of this magnitude should go to a referendum for the people to decide. It is his hope and prayer that a reservoir will be the route decided upon.

Mr. Carter next moved on to the **ADMINISTRATIVE ITEMS:** (Items 1 – 3)

1. **Resolution on Local Telephone Service Rates:** Verizon has filed an application with the SCC for approval of a new regulatory plan. It appears if this plan is approved it will result in price increases for residential as well as business customers.

Mr. Conrad stated that Verizon is virtually a monopoly in our area and this new plan would result in a 10% increase per year plus cost of inflation.

After further discussion, Mr. Craft made a motion, seconded by Mr. Conrad to approve the following resolution:

**Resolution for Localities on Local Telephone Service Rate Issue Pending Before the
Virginia State Corporation Commission**

WHEREAS: Affordable telecommunications services are vital to the economic health and general well-being of rural Virginia;

WHEREAS: Local telephone service competition has not taken root in much of rural Virginia;

WHEREAS: Verizon continues to dominate the local telephone market in rural Virginia;

WHEREAS: On July 9, 2004, Verizon Virginia Inc. and Verizon South filed an application with the Virginia State Corporation Commission for a newly proposed regulatory plan;

WHEREAS: The Verizon Application seeks the ability to raise basic telephone rates in rural areas by 10% per year plus inflation and effectively remove price limits on other services, such as Call Waiting and Caller ID; and

WHEREAS: The Staff of the State Corporation Commission issued a formal report on October 15, 2004, finding that the Verizon Application (1) has not demonstrated that the plan is affordable for basic service; (2) does not reasonably ensure the continuation of quality local exchange telephone service; (3) does not demonstrate that it will not unreasonably prejudice or disadvantage telephone customers or competitors; and (4) is not in the public interest;

BE IT NOW THEREFORE RESOLVED by the County of Appomattox, Virginia, that the County of Appomattox is opposed to higher basic telephone rates for residences and businesses in rural Virginia;

The County of Appomattox urges the Commissioners of the Virginia State Corporation Commission to reject the Application for the proposed regulatory plan by Verizon.

VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Joint Meeting with School Board:** Dr. Krug has requested a joint meeting with the Board of Supervisors and the School Board to provide the Board with a status report on school activities and begin discussing budget concerns for the upcoming year. The meeting has been scheduled for January 18, 2005, if this date is agreeable with you.

The Board by consensus agreed to hold a joint meeting with the School Board on January 18, 2005.

3. **Status Report on the New Courthouse:** The Board members have received a status report on the new courthouse. Since this report, several matters have come up that Ms. Ferguson will be dealing with and informing you of at a later date.

Ms. Ferguson informed the Board that presently the alterations to the Commonwealth Attorney's office, and some of the other items have been taken care of. Ms. Ferguson will report back to the Board on the status of these items as they are taken care of.

- 3A. **Approval of Bills:** Due to the fact that the Board will not be meeting the first Monday of December, 2004, a motion is necessary for the Chairman to approve the bills for the first of December, 2004.

Mr. Craft made a motion, seconded by Mr. Conrad, to approve for Chairman, Samuel Carter to approve the bills presented for payment the sixth of December, 2004 due to the fact that the Board will not be holding a meeting on the first Monday of the month. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **Consent Agenda:** (Items 4 – 10)

4. **Approval of Minutes:** Please approve minutes of Regular Meeting of 10-18-04; and Public Hearing of 10-18-04.
5. **Approval of Bills:** Please approve bills as presented for payment.

FUND TRANSFER:

6. **Sheriff's Office:** Please appropriate by consent \$4,000.00 from the Asset Forfeiture Account to pay for purchase of drug dog.
7. **Comprehensive Services Act:** Please appropriate by consent \$1,250.00 from 5310-3002 CSA Administration to the General Fund to pay CSA Coordinator for the month of November, 2004.

SUPPLEMENTAL APPROPRIATIONS:

8. **Sheriff's Office:** Please appropriate by consent a supplemental appropriation in the amount of \$10,000.00 for a grant received.

Please appropriate by consent a supplemental appropriation in the amount of \$513.08 for reimbursement received from the school for officers working after-school activities.

Please appropriate by consent a supplemental appropriation in the amount of \$214.83 for reimbursement from the U. S. Dept. of Justice for Organized Drug Enforcement Task Forces overtime.

9. **Building and Housing:** Please appropriate by consent a supplemental appropriation in the amount of \$56.99 for code books reimbursed by a contractor.
10. **Building and Housing:** Please appropriate by consent a supplemental appropriation in the amount of \$214.41 to reimburse contractor for building permit that can no longer be used due to lot being sold as land only – no dwelling.

Mr. Conrad called attention to two (2) bills to Craddock-Cunningham that should be removed from the list of bills to be paid.

Mr. Craft made a motion, seconded by Mr. Armbrust, to approve the **Consent Agenda** as presented excluding the two (2) bills for Craddock-Cunningham Architectural Partners. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 11-15)

11. **Appomattox County Public Schools:** Financial report for October 2004 for the school system.
12. **Town of Appomattox:** Copy of Council Agenda for the Town of Appomattox for November 18, 2004.
13. **Department of Transportation:** First Quarterly report for FY2005 has been provided by VDOT.
14. **Robert E. Lee Soil and Water Conservation District:** Minutes of September 23, 2004 Board of Directors Meeting.
15. **Appomattox County Parks, Recreation & Tourism:** Activities report from Anne Dixon for November 2004.

Mr. Carter asked if there were any plans in the near future dealing with repairs at the Community Center.

Ms. Ferguson stated that all the buildings have been looked at and no one will be doing any painting now, due to cold weather. This will be addressed again in the Spring.

Mr. Carter next called for **SUPERVISOR CONCERNS:**

Mr. Armbrust stated that there was another accident recently at the entrance to Kroger's. He is aware that this issue has been discussed at various times in the past. He, personally, has looked into some information, has tried to contact VDOT, regarding the number of accidents and how we can help with this. There is also the speed limit issue that Delegate Abbitt is working on. We are looking for safety for our citizens. The problem is that he cannot get any figures on the number of accidents. We need to do something at this intersection but he does not know what. Maybe some flashing lights. He has had several citizens contact him recently regarding this problem.

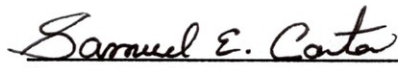
Mr. Carter suggested that Mr. Don Austin of VDOT attend the next Board meeting to see if he can shed any light on this issue.

Mr. Moore reported that he had received complaints regarding speeding on a section of road near his home – Route 664 (Cove Mountain Road). This road has a section just off Route 26 that contains 12 to 15 homes, the road is narrow and there are some humps and with people speeding there is the possibility of a serious accident because of sight distance. The residents have approached VDOT regarding a reduced speed limit sign and they were informed that this request would have to come from the Board of Supervisors. He is asking that the Board write this letter to VDOT.

Mr. Carter stated he thought each member would write down what they would consider the top five (5) priority items for the County in 2005.

At 7:03 p.m. Mr. Carter called for a short recess before entering into the Joint Work Session with the Appomattox Town Council.

At 7:55 Mr. Carter reconvened the Board of Supervisors' meeting, at which time, Mr. Craft made a motion, seconded by Mr. Moore, to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


 Samuel E. Carter, Chairman

On Monday, November 15, 2004, the Appomattox County Board of Supervisors and the Appomattox Town Council held a joint work session in Council Chambers of the Appomattox Town Office, located on Linden Street, Appomattox, Va.:

PRESENT: (Town Council)

Ronnie Spiggle – Mayor
 John Wilson
 Steve Lawson
 Jimmy Mayberry
 Lewis McDearmon
 Marvin Mitchell

ABSENT: (Town Council)
Joyce Bennett

PRESENT: (Board of Supervisors)
Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney
Roxanne Mundy – Town Clerk
David Garrett – Town Manager

At 7:10 p.m. Mr. Spiggle called the joint work session to order and stated this was a joint meeting to hear an update on the Water Study Project. This is not a Public Hearing. All of the information will be compiled and presented at a February 25th proposed meeting. After this date, both bodies will set a date for a public hearing prior to a decision being made.

Mr. Spiggle made a suggestion that if Board members or Council members have any questions that they put them in writing and give them to either Mrs. Ferguson or David Garrett to allow Mr. Gillespie and Mr. Rogers time to answer these questions and prepare an update for February, 2005 meeting.

Mr. Spiggle then turned the meeting over to Mr. Bill Gillespie of the Region 2000 Commission and Mr. Jeff Rogers, an Engineer presently working with the Region 2000 Commission.

Mr. Gillespie stated that tonight they wished to bring everyone up to date on what had been discussed previously and also to discuss another possible alternative and what this alternative might bring to the table. The main objective of tonight's presentation is to be sure everyone is on the same page, a little background on the studies that have been looked at and some of the alternatives that have been placed on the table. They would also like to answer some of the questions that have been asked and give you the opportunity to give any input that you may have and other questions that you may want answered prior to making your decision, one way or the other. No decisions have been made. They are still in the data gathering stage and will continue to do so into next year. The purpose of tonight's meeting is to be sure they are on the right tract with what the two governing bodies want them to do and what information they need to bring back to the next meeting.

Mr. Rogers discussed the information contained in the handout, presented a slide presentation, as well as a brief history of the studies that had been previously done.

They have incorporated into this study a waterline from Concord for a 16" line, 8 miles in length as well as updated cost estimates for the three options from 2003 study. The 13 miles transmission line from Lynchburg – today's dollars is about \$13,000,000.00 for the construction costs; the surface water reservoir - \$16,000,000.00 cost; the James River intake \$17,000,000.00 cost. The new alternative – the 16" line from Concord has about price tag of about \$5.5 million. It is important to remember that when you stay in the water production business, you will end up with an operations maintenance costs at approximately \$1,000.00 per million gallons treated.

Mr. Rogers also discussed the pros and cons of the various alternatives presented.

Mr. Rogers concluded by saying that all information, including the Public Service Authority should be ready by the February 2005 meeting. Also all questions should be put in writing and presented to the Regional Commission by the middle of December, 2004.

Mr. Carter stated that the Board would do what is right for everyone.

Mr. John Wilson, Town Council, had several questions he felt would be beneficial to those present. He is encouraged by the comment "that no decision has been made" and he accepts that. However, comments and statements published in the newspapers attributed to Council and Board members, lead him to believe a decision had been made on the waterline from Lynchburg. He is happy to hear that that is not a given and is not a full grown conclusion. He has reason to quarrel with some statements made tonight. If our public officials are unwilling to accept the responsibility of providing the public service, they can always resign or not seek re-election. He does not question the need for a reliable water supply. The question, in his opinion, is should Appomattox develop a its own resources or be dependent upon another government for its water supply? Who would pay for the pipeline, or a reservoir and who would benefit the most? Is Lynchburg or Campbell County willing to pay for the pipe line given they would derive the most benefit and for all practical purposes control the water supply? Anytime you concentrate such a value service as this, you become more vulnerable to tourist attacks.

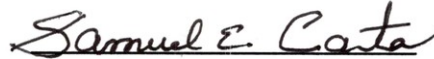
Mr. Wilson also commented on the need to proceed with resources within the County as opposed to securing water from adjoining counties.

Mr. Gillespie stated that the Regional Commission was not telling the County which way they should proceed, they were just presenting the figures involved in the cost of providing water to the Town and County.

Mr. Spiggle informed Town Council and the County Board of Supervisors that he had obtained a video from the Conservation Board and sometimes between now and the middle of January, he will send out invitations to about 30 to 45 community leaders to view this video. He is only asking that those present to agree to have a community effort to be able to preserve our community. He would also like to have Ed McMann, who has worked with Commerce and Development for a long time and has a lot of good ideas on how to improve development and that sort of thing, talk to us at that time.

The third Tuesday in January around 6:00 p.m. was suggested.

At 7:55 p.m. Mr. Craft made a motion, seconded by Mr. Moore to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, December 20, 2004 the Appomattox County Board of Supervisors and the Virginia Department of Transportation held a Combined Annual Secondary Road Hearing in accordance with the provision of Section 33.1-70.01 of the Code of Virginia of 1950, as amended, in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, VA.

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
William H. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen T. Ferguson – County Administrator
J. Overstreet – County Attorney
John K. Spencer, Jr. – Assistant County Administrator
Don Austin – Resident Engineer, VDOT
R. B. Moore - VDOT

At 6:00 p.m. Mr. Carter called the meeting together and stated the purpose of this meeting was to receive comments regarding the Virginia Department of Transportation's Six Year Plan and the priorities for the 2005-2006 budget. Requests for improvements and new additional will also be considered at this time. Mr. Carter then turned the meeting over to Mr. Austin.

Mr. Austin introduced the draft Proposed Six Year Plan. The funding has decreased by 25% from what it was last year. This has resulted in not being able to add anything to the plan. Basically the plan is the same as it was last year with the highest priority being the Route 641 (Church Street) project which has been budgeted for several years. Hopefully by 2006 all the right-of-way will have been purchased for this project.

Mr. Austin also presented the unpaved road list.

There were no requests for improvements.

David Allen, Route 1, Box 1666, Spout Spring, VA came forward to request that Route 679 – Shirey Farms Road be taken over by the State as a State improved road. He is not asking for any improvements but as a resident and property owner he thinks this would be beneficial to everyone on this road. Hopefully, sometime in the future, some improvements could be made.

Mr. Austin made the statement that Road Viewers need to be appointed.

At 6:10 p.m. Mr. Carter closed the Public Hearing.

At this time, Mr. Austin informed those present that Mr. Moore would give an update on traffic signal at the Shoppes of Appomattox Shopping Center. There has been a lot of talk recently about the speed limit on the Appomattox Bypass (Route 460). He will present the facts.

In accordance with Senate Bill 408 that was passed by the General Assembly last year, all speed limits on limited access facilities be extended to 65 mph. VDOT engineers have completed a study in accordance with this legislation. Mr. Moore emphasized "the speed limit at the shopping center will not change". He explained where the various speed limits (65, 55 & 45 mph) would be in effect on both the east and west bound lanes. There has also been a lot of discussion about the accidents on the by-pass but actually the accident rate is relatively very low as compared to the State. He does not think the change in the speed limit will have any impact on the number of accidents. The by-pass was designed for 65 mph. Recent studies revealed that the average speed at the entrance to the shopping center is about 55 mph east bound and 50 mph west bound. VDOT will install rumble strips, flashing lights, etc. in the increased speed limit zones.

Mr. Armbrust asked about the status of a recent request to move the increased speed limit sign from its present position near Appomattox Ford to the west side of the road to the Moose Lodge. Mr. Moore commented that at that time, a study showed this area did not meet the qualifications to warrant a change.

On February 3, 2001, VDOT with members of the Board of Supervisors, Town Council, State Police, Sheriff's Office, shopping center owners and some of the managers of stores located in the shopping center met to discuss the safety concerns. VDOT implemented a number of changes to increase safety, such as narrowing the cross-over, markings in the cross-over, put up signs to prohibit more than one vehicle in the cross-over at a time, and other various signage. People think that installing traffic signals is the answer to solving accidents. This is not true. In most cases the installation of a traffic signal increased the accident rate because drivers do not obey the signal light. VDOT has not opposed a traffic signal and no request for a traffic signal has been received. Tonight, Mr. Austin has given him a request from the Lion's Club regarding a traffic light. Mr. Moore would like to meet with this same group again. The developer of the shopping center would have to bear the cost of installing a light, around \$125,000.00. Once the light is installed, the State will maintain and pay the electric bill. Mr. Moore also presented some alternatives to a signal light. These include: 1) Access Road – VDOT would not fund; 2) the number of entrances; and 3) the length of the

right turn lane. Mr. Moore of VDOT will organize the meeting of this group of interested parties again.

At 6:43 p.m. Mr. Carter declared a brief recess.


Samuel E. Carter, Chairman

On Monday, December 20, 2004 the Appomattox County Board of Supervisors held its regularly scheduled meeting in Council Chambers of the Appomattox Town Office located on Linden Street, Appomattox, Va. 24522

PRESENT: Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

ALSO PRESENT:
Aileen Ferguson – County Administrator
John K. Spencer, Jr. – Assistant County Administrator
J. Overstreet – County Attorney

At 6:50 p.m. Mr. Carter opened the meeting and asked Mr. Conrad to give the invocation.

Mr. Carter next called for the **Setting of the Agenda:** There were not additional items to be added to the agenda.

Mr. Carter then called for the **Citizen Public Comment Period:** This time is provided by the Board to allow citizens to appear to discuss issues that are of importance or concern to the citizen.

Mr. Kevin O'Brien stated that several months ago he addressed Board about the E-911 signs. He is concerned about the number of signs missing, etc. He talked with Mr. Austin of VDOT as to why the cheaper signs were used. He was informed that Mr. Stidham had approved the signs. He feels that VDOT lead the County astray in telling the County the signs we ordered were equal when in fact they are not. He feels the Board should address this issue with VDOT.

Mr. Mark Peak – representing the Carver Price Alumni Association. He knows the Board has some questions regarding exactly what Carver Price Alumni Association wants to do with the space at the old elementary school. They would really like to have the four (4) rooms of the original school building as well as the whole front wing. It is really

important for them to have use of the front wing because without it, they will not have enough room to complete the museum they have in mind. This museum will be of great important to the County.

At 6:58 p.m. Mr. Carter called for a recess in order to conduct the Joint Public Hearing with the Appomattox County Planning Commission.

At 7:13 p.m. Mr. Carter reconvened the regular session of the Board of Supervisors.

Mr. Carter called for the next item on the Agenda:

Electoral Board: The members of the Electoral Board have requested a time on the agenda to present you with a contract of new voting machines. The Electoral Board has been working for months to find the machine that will best serve the needs of Appomattox County and have finally selected the machine they feel is right for the County.

Mr. Fred Underwood stated that the jurisdictions need to agree to the fact that they will be used in that jurisdiction. Federal money is reserved for these machines and is available at least until January 2006. They looked at various machines and have decided the WinVOTE machine best fits Appomattox County's needs. This machine is available for the Board to view at the Registrar's Office.

Mr. Armbrust made a motion, seconded by Mr. Craft, to approve the contract to purchase the WinVOTE voting machines by the Electoral Board. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Members of the Community Park Committee: Request for Proposals have been sent out and bids received for the construction of the tee-ball fields, soccer and baseball parking lots. Two bids were received: Pearson Construction Inc. - \$193,721.00 and D. S. Nash Construction Co. - \$215,000.00.

Ms. Anne Dixon and Mr. Gary Gilliam were present and Ms. Dixon passed out a print-out of the donations received and the expenditure sheets. Everything that has been built at the Community Park has been paid for by cash.

Mr. Craft made a motion, seconded by Mr. Conrad, to approve the bid of Pearson Construction, Inc. in the amount of \$193,271.00 for the construction of the tee-ball fields, soccer and baseball parking lots. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

E-911 Emergency Response Call Center Project: Proposal has been received from Wiley & Wilson for architectural services for the E-911 Call Center. Only one proposal was received. The Board also received status information of the E-911 project as well as a time line and cost associated with the Schematic Phase of the Project. Time line will have to be adjusted due to the Board meeting only once during the month of December, 2004.

Mr. Conrad made a motion, seconded by Mr. Craft to accept the proposal from Wiley & Wilson for architectural services for the E-911 Call Center. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next call for action on the **ADMINISTRATIVE ITEMS:** (Items 1-17)

1. **Old Oakville School:** Action needs to be taken on the disposal of the old school building and to allow the sale of the property at the appropriate time. A public hearing was held and comments were received. There was no opposition to this proposal. County Administrator is working with the landfill on installing a new entrance to the dumpster site and about the demolition of the old building.

After some discussion, Mr. Conrad made a motion, seconded by Mr. Armbrust, to proceed with the plan to dispose of the old Oakville School building and allow for the sale of the property at the appropriate time. Motion also included the installing of a new entrance to the dumpster site. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Contract with Verizon:** Staff has recommended that the County enter into a contract with the Commonwealth of Virginia and Verizon that will allow Appomattox County to receive state-negotiated rates on certain Verizon services. The contract will require a 36 month commitment on the part of the County, but should significantly reduce our monthly Verizon bill.

After some discussion, Mr. Craft made a motion, seconded by Mr. Armbrust for the County to enter into a contract with the Commonwealth of Virginia and Verizon to allow the County to receive state-negotiated rates on certain Verizon services. ROLL CALL VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

2. **Planning Commission Recommendation on Petition #04-537 – Deryle S. Cooper:** Mr. Cooper is requesting a Conditional Use Permit to operate a firearms transfer business with no inventory on Route 613 between Route 460 and Route 659. Property is Tax Map #63(A) 8 containing 1.91 acres and is zoned R-1 Residential. Planning Commission voted to deny this request on October 18, 2004.

This matter was tabled from a previous meeting in order to research what has been done in the past. A similar request, petition 98-338 was disapproved by the Board of Supervisors.

Mr. Craft made a motion, seconded by Mr. Conrad, to deny Petition #04-537 – Deryle S. Cooper to operate a firearms transfer business on Route 613 between Route 460 and Route 659, Tax Map #63(A) 8 and is zoned R-1 Residential. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

At 7:32 p.m. Mr. Carter called for a recess until after the Public Hearing on Tax Exempt Ordinance.

At 7:13 p.m. Mr. Carter reconvened the Regular Session of the Board of Supervisors.

Mr. Carter called for the next item on the Agenda:

4. **Lease Agreement with Carver Price Alumni:** A public hearing was held to receive comments on leasing a portion of the old elementary school to the Carver Price Alumni to be used as a museum.

There were some additions to the Lease Agreement as submitted:

- Utility costs will be borne by Carver Price Alumni
- One (1) year renewal at the end of each year.

Mr. Craft stated he had visited the facility with the Alumni Association and he is in agreement with leasing them that portion of the building they are asking for – the front wing of the building. He feels they are enthusiast about the museum and should be given the opportunity to proceed with their plans.

Mr. Conrad questioned what was included in the original building. This includes the Assistant Principals office and two (2) bathrooms.

Mr. Carter stated there was \$150,000.00 proposedly earmarked for the school. Ms. Ferguson stated she had seen various articles regarding this money, but she has received no direct contact and has no knowledge of these proposed funds. Mr. Carter further stated that there was a study being conducted to see what use of this building would be most beneficial to the County as a whole. The museum would be fine and hopefully other identities would be considered.

After much discussion, Mr. Carter made a motion, seconded by Mr. Moore, to approve the Lease with Carver Price Alumni for the Original Structure, plus the Principal's and Assistant Principal's Office and Alumni to assume cost of utilities. VOTE: Mr. Armbrust aye, Mr. Conrad, aye; Mr. Craft, nay; Mr. Moore, aye; and Mr. Carter, aye. (4 aye and 1 nay votes)

5. **Sister Cities International:** Sister Cities International writes asking that you appoint a representative to join the Virginia Sister Cities Association to learn more of the benefits of International relationships.

Mr. Carter stated that Lynchburg was engaged in this program with a city in France and have found it to be beneficial.

After some discussion the it was decided that most everyone involved in this program are cities as opposed to counties. By consensus, no action was taken at this time.

6. **Regional Landfill Solution:** The Regional Commission has formed a group to look into the possibility of some type of regional initiative for handling solid waste. The group is hiring a consultant and the cost is being divided between the participating localities. The cost for Appomattox to participate would be \$4,171.00.

After some discussion Mr. Conrad made a motion, seconded by Mr. Armbrust, to not participate in this study at the present time. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye, Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 7. Fire Protection between Courthouses:** The court order required that we do something to the back of the old courthouse for fire protection and aesthetics. Mr. Hamlett, the Building Official has consulted with the State Fire Marshall and has suggested the following: To sprinkler the exterior of the new courthouse in such a way that would create a water curtain when it is activated from a fire from the old or new courthouse. Additional sprinkler heads would have to be designed by an engineer due to it affecting the hydro. calculations of the existing systems.

This will not eliminate our responsibility to dress the back of the old building up or to preserve the old structure. Do we wish to contact Craddock-Cunningham and have them work on the sprinkler design or prefer to take another direction?

Ms. Ferguson stated that the Judge was willing to work with the County, as long as progress was being made. Now that we have moved into the new building, we need to address this issue.

The Board agreed to look into this matter and place it on the agenda for January 10, 2005.

- 8. BFI Waste System of Virginia, Inc.:** BFI is planning to construct and operate an expansion of an existing landfill located in Henrico County. As part of the Codes requirements they must contact localities to see if they wish to reserve disposal capacity in the proposed expansion. Since we are opening our own cell, do we wish to deny this offer?

Mr. Craft made a motion, seconded by Mr. Moore, to deny reserving disposal capacity in the Henrico County landfill as proposed by BFI Waste Systems of Virginia, Inc. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

- 9. Competitive Carrier Coalition:** Another request has been received from the Competitive Carrier Coalition concerning a resolution on Verizon's application for a rate increase. This resolution supports affordable local telephone service and the expansion of local exchange service competition in Virginia.

By consensus, the Board instructed Ms. Ferguson to send a letter to the Competitive Carrier Coalition supporting the affordable local telephone service and the expansion of local exchange service competition in Virginia.

Mr. Carter next called for the **CONSENT AGENDA:** (Items 10 – 17)

- 10. Approval of Minutes:** Please approve minutes of regular meeting on November 1, 2004; Public Hearing-Oakville School property on November 15,

2004; Public Hearing – Carver Price Lease on November 15, 2004; Regular Meeting on November 15, 2004; and Joint Work Session with Town Council on November 15, 2004.

- 11. Approval of Bills:** Please approve bills for payment as presented.

FUND TRANSFER:

- 12. Comprehensive Services Act Funds:** Please transfer by consent \$17.60 from CSA Fund to pay bills.

SUPPLEMENTAL APPROPRIATIONS:

- 13. NACO Conference:** Virginia will be hosting the NACO Conference in 2007. The Virginia Association of Counties is encouraging localities to contribute \$1,000.00 each to make this conference a success.

The Board by consensus decided not to participate in the NACO Conference.

- 14. Commissioner of Revenue:** Please appropriate by consent a supplemental appropriation in the amount of \$200.00 to the Commissioner of Revenue's budget to cover training for two of his deputies.

- 15. Sheriff's Department:**

Please appropriate by consent a supplemental appropriation in the amount of \$126.32 for overtime worked. This money has been reimbursed to the County by the High School.

Please appropriate by consent a supplemental appropriation in the amount of \$390.60 for reimbursement received from the U. S. Department of Justice for Organized Crime Drug Enforcement Task Force.

Please appropriate by consent a supplemental appropriation in the amount of \$6,525.00 to the Sheriff's vehicle power equipment supplies line for monies received from items sold a public auction.

Please appropriate by consent a supplemental appropriation in the amount of \$3,084.00 to the Sheriff's budget for DCJS grant award.

LINE ITEM TRANSFERS:

- 16. Library:** Please transfer \$500.00 from books to office supplies in the Library budget at the request of the Library Director.

- 17. Board of Supervisors:** Please transfer by consent \$17,145.25 from the Board's Operating Reserve to professional services to pay for architects fees for the animal pound.

Mr. Craft made a motion, seconded by Mr. Moore, to approve the Consent Agenda as presented, with the exception of Item 13 – NACO Conference. ROLL CALL VOTE: Mr.

Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)

Mr. Carter next presented the **INFORMATIONAL ITEMS:** (Items 18-24)

18. **Parks, Recreation and Tourism Department:** November 2004 report from Ms. Dixon.
19. **Route 664:** At the Board's request, Ms. Ferguson has requested that VDOT look into the possibility of lowering the speed limit on certain portions of Route 664.
20. **Appomattox County Public Schools:** Financial Report for the schools.
21. **Town Council:** Agenda for Town Council meeting of December 13, 2004.
22. **AWAG:** AWAG has provided information concerning their activities and also some questions for your review.
23. **Robert E. Soil & Water Conservation District:** Minutes of Board of Directors Meeting held on October 28, 2004.
24. **Appalachian Power Company Application:** Appalachian Power Company has filed with the State Corporation Commission an application requesting a change in its Virginia jurisdictional fuel factor.

Mr. Carter next called for **Supervisor Concerns:**

Mr. Conrad stated he received a call from Mr. Winfred Nash concerning the E-911 blue address sign. Mr. Nash wants to remove the sign at his driveway and replace the number on a permanent brick column. Mr. Nash further stated that Campbell County allows this to be done. After discussing this with Ms. Ferguson, they decided this should not be done as emergency personnel would be looking for the blue signage when making a call.

Ms. Ferguson stated that she will research this ordinance and see if the ordinance is specific in stating where this sign is required to be placed. We need to be firm with what the requirements are because if we give in to one, we may as well throw the whole thing out. Ms. Ferguson will check into this and report back to the Board at a later date.

Mr. Conrad is also receiving calls regarding dogs running across their property.

No other Supervisors had any concerns.

Mr. Carter next called attention to the **Upcoming Meetings:**

January 10, 2005

Organizational Meeting

Old Elementary School Cafeteria

6:30 P.M.

(NOTE CHANGE OF MEETING LOCATION)

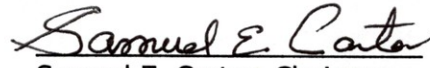
January 18, 2005

Joint Meeting with the School Board

School Board Conference Room

7:00 p.m.

At 8:25 p.m. Mr. Craft made a motion, seconded by Mr. Moore to adjourn. VOTE: Mr. Armbrust, aye; Mr. Conrad, aye; Mr. Craft, aye; Mr. Moore, aye; and Mr. Carter, aye. (5 aye votes)


Samuel E. Carter, Chairman

On Monday, December 20, 2004 the Appomattox County Board of Supervisors held a joint public hearing with the Appomattox County Planning Commission in Council Chambers of the Appomattox Town Office, Appomattox, VA. 24522.

PRESENT: (Appomattox County Board of Supervisors)
Samuel E. Carter, Chairman – Courthouse District
Shawn A. Armbrust – Wreck Island District
Thomas E. Conrad – Falling River District
William H. Craft – Appomattox River District
Russell H. Moore – Piney Mountain District

PRESENT: (Appomattox County Planning Commission)
Kevin O'Brien – Chairman
Steve Conner
Calvin Tanner
Jerry Hughes
Marvin Mitchell
Robert Johnson
Barry Morris

ABSENT: (Appomattox County Planning Commission)
Al Sears
Shannon Dews

ALSO PRESENT: Aileen T. Ferguson, County Administrator
John K. Spencer, Jr., Assistant County Administrator
J. Overstreet – County Attorney

At 7:00 p.m. Mr. Carter called the joint public hearing to order and read the following statement:

This Public Hearing provides property owners the opportunity to present zoning petitions and concerned citizens the chance to speak for or against the petitions before the Appomattox County Planning Commission and Board of Supervisors. Please note that the public hearing is not the appropriate forum to engage in discussion of the petitions. Discussion will take place during the Planning Commission meeting immediately following the Public Hearing. We will begin a hearing of each petition with comments by

the petitioner, followed by comments from individuals to speak for and /or against the petition. As you approach the microphone, please state your name and address for the record.

Mr. Carter then turned the meeting to Mr. Spencer, who read the first petition:

04-541 – William E. Walker: The applicant is requesting an amendment to an existing Conditional Use Permit to allow the operation of an automobile inspection station in a 14 ft. X 30 ft. metal addition to an existing building located on Route 460 between Route 628 and Route 622. The subject property, Tax Map #102-A-21A is 1.00 acre in size and is zoned R-2 General Residential District. Mr. Spencer called for comments on this petition.

Mr. Walker came forward and stated what he intended to do.

Hearing no other comments, Mr. Spencer read the next petition.

04-542 – Thomas R. and Misty K. Nolen: The applicants are requesting to rezone 11.51 acres locate on Route 24 between Route 654 and Route 618 from R-1 Residential to A-1 Agricultural in order to avoid a split zoning situation due to the consideration of two adjacent parcels with differing zoning designations. The subject property is identified as Tax Map #41(3)14.

Mr. Spencer called for comments for or against this petition. Hearing none, Mr. Spencer preceded to the next petition.

04-543 – Robert L. and Mary H. Bushong: The applicants are requesting a Conditional Use Permit to allow the operation of a Bed and Breakfast in a new building to be constructed on Route 14 between Route 654 and Route 618. The subject property is currently two separate parcels totaling 22.44 acres. Tax Map #41(3)14 is zoned R-1 Residential (subject of Petition #94-542) and Tax Map #41(3)15 is zoned A-1 Agricultural.

Mr. Spencer called for comments for or against this petition.

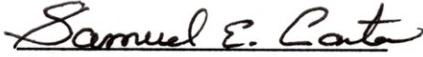
Ms. Brenda Freeman of John Stewart Walker Realty came forward. She is the agent involved in selling this property for the Bushongs' who are in Florida. She feels this Bed and Breakfast will be an asset to the County.

Mr. Spencer called for additional comments. Hearing none he read the next petition:

04-544 – Thomas R. and Misty K. Nolen: The applicants are requesting to rezone 10.13 acres located on Route 24 between Route 654 and Route 618 from R-1 Residential to A-1 Agricultural for agricultural purposes including housing horses on the property. The subject property is identified as Tax Map #41(3)13.

Mr. Spencer called for comments on this petition. Hearing none, he turned the public hearing back to Mr. Carter.

At 7:10 p.m. Mr. Carter closed the public hearing.


Samuel E. Carter, Chairman